



City of
LAUNCESTON

COUNCIL AGENDA

**COUNCIL MEETING
THURSDAY 16 MAY 2019
1.00pm**

City of Launceston

COUNCIL AGENDA

Thursday 16 May 2019

Notice is hereby given that the Ordinary Meeting of the City of Launceston Council will be held at the Council Chambers, Town Hall, St John Street, Launceston:

Date: 16 May 2019

Time: 1.00pm

Certificate of Qualified Advice

Background


To comply with section 65 of the *Local Government Act 1993* (Tas):

1. A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless -
 - (a) the general manager certifies, in writing -
 - (i) that such advice was obtained; and
 - (ii) the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

Certification

I certify that:

- (i) the advice of a qualified person has been sought where required;
- (ii) this advice was taken into account in providing general advice to the council or council committee; and
- (iii) a copy of the advice, or a written transcript or summary of advice provided orally, is included with the agenda item.



Michael Stretton
General Manager

City of Launceston

COUNCIL AGENDA

Thursday 16 May 2019

22 November 2018

Mr Michael Stretton
General Manager
City of Launceston
PO Box 396
LAUNCESTON TAS 7250

Dear Michael

COUNCIL MEETING

In accordance with regulation 4 of the *Local Government (Meeting Regulations) 2015* which states:

4. Convening council meetings

- (1) *The mayor of a council may convene -*
 - (a) *an ordinary meeting of the council; and*
 - (b) *a special meeting of council.*

I request that you make the necessary arrangements for the Ordinary Meetings of Council to be convened on the following Thursdays for 2019: 24 January; 7 and 21 February; 7 and 21 March; 4 and 18 April; 2, 16 and 30 May; 13 and 27 June; 11 and 25 July; 8 and 22 August; 5 and 19 September; 3, 17 and 31 October; 14 and 28 November and 12 December commencing at 1.00pm in the City of Launceston Council Chambers, Town Hall, St John Street, Launceston.

Yours sincerely



Councillor A M van Zetten
MAYOR

ORDER OF BUSINESS

Item No	Item	Page No
1	OPENING OF MEETING - ATTENDANCE AND APOLOGIES	1
2	DECLARATIONS OF INTEREST	1
3	CONFIRMATION OF MINUTES	1
4	DEPUTATIONS	1
	No Deputations have been identified as part of this Agenda	1
5	PETITIONS	1
	No Petitions have been identified as part of this Agenda	1
6	COMMUNITY REPORTS	2
6.1	Mr Jeff McKinnon - Launceston Climate Network	2
7	PUBLIC QUESTION TIME	2
7.1	Public Questions on Notice	2
7.1.1	Public Questions on Notice - Mr Robin Smith - Council Meeting - 2 May 2019	3
7.1.2	Public Questions on Notice - Mr Jim Dickenson - 6 May 2019	4
7.2	Public Questions Without Notice	8
8	PLANNING AUTHORITY	9
8.1	24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots	9
8.2	Petition to Amend Sealed Plan	63

City of Launceston

COUNCIL AGENDA

Thursday 16 May 2019

Item No	Item	Page No
9	ANNOUNCEMENTS BY THE MAYOR	71
9.1	Mayor's Announcements	71
10	COUNCILLOR'S REPORTS	72
11	QUESTIONS BY COUNCILLORS	72
11.1	Questions on Notice	72
	No Councillor's Questions on Notice have been identified as part of this Agenda	72
11.2	Questions Without Notice	72
12	COMMITTEE REPORTS	72
	No Committee Reports have been identified as part of this Agenda	72
13	COUNCIL WORKSHOPS	73
13.1	Council Workshop Report	73
14	NOTICES OF MOTION	75
	No Notices of Motion have been identified as part of this Agenda	75
15	DEVELOPMENT SERVICES DIRECTORATE ITEMS	75
	No Items have been identified as part of this Agenda	75
16	FACILITIES MANAGEMENT DIRECTORATE ITEMS	75
	No Items have been identified as part of this Agenda	75
17	CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS	75
	No Items have been identified as part of this Agenda	75

City of Launceston

COUNCIL AGENDA

Thursday 16 May 2019

Item No	Item	Page No
18	INFRASTRUCTURE SERVICES DIRECTORATE ITEMS	75
	No Items have been identified as part of this Agenda	75
19	CORPORATE SERVICES DIRECTORATE ITEMS	75
	No Items have been identified as part of this Agenda	75
20	GENERAL MANAGER'S DIRECTORATE ITEMS	75
	No Items have been identified as part of this Agenda	75
21	URGENT BUSINESS	76
	No Urgent Items have been identified as part of this Agenda	76
22	CLOSED COUNCIL	76
22.1	Confirmation of the Minutes	76
22.2	Licence Agreement - Launceston Leisure and Aquatic Centre Café and Catering	76
22.3	Lease of First Basin Café and Cataract Gorge Restaurant	76
22.4	End of Closed Session	77
23	MEETING CLOSURE	77

1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 DECLARATIONS OF INTEREST

Local Government Act 1993 - section 48

(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences.)

3 CONFIRMATION OF MINUTES

Local Government (Meeting Procedures) Regulations 2015 - Regulation 35(1)(b)

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of the City of Launceston Council held on 2 May 2019 be confirmed as a true and correct record.

4 DEPUTATIONS

No Deputations have been identified as part of this Agenda

5 PETITIONS

Local Government Act 1993 - sections 57 and 58

No Petitions have been identified as part of this Agenda

6 COMMUNITY REPORTS

(Community Reports allow an opportunity for Community Groups to provide Council with a three minute verbal presentation detailing activities of the group. This report is not intended to be used as the time to speak on Agenda Items; that opportunity exists when that Agenda Item is about to be considered. Speakers are not to request funding or ask questions of Council. Printed documentation may be left for Councillors.)

6.1 Mr Jeff McKinnon - Launceston Climate Network

Mr Jeff McKinnon with provide details to Council of the Launceston Climate Network's participation in a global movement seeking to bring together locals wanting to see real climate change in Australia.

7 PUBLIC QUESTION TIME

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31

7.1 Public Questions on Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(1)

(Questions on Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting. Questions on Notice will be researched by Council Officers and both the Question on Notice (as received) and the response will be provided at the Council Meeting and a reply in writing will also be provided.)

7.1.1 Public Questions on Notice - Mr Robin Smith - Council Meeting - 2 May 2019

FILE NO: SF6381

AUTHOR: Anthea Rooney (Committee Clerk)

GENERAL MANAGER: Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following question, asked at the Council Meeting on 2 May 2019 by Mr Robin Smith, has been answered by Matthew Skirving (Acting Director Infrastructure Services).

Questions:

1. Did Council make a mistake not installing gas line connections in the Brisbane Street Mall during redevelopment?

Response:

The Council is not responsible for installing infrastructure on behalf of the natural gas network operator or active gas retailers within our municipal area.

The Council engaged with all major utility providers during the development of the Brisbane Street Mall project to ensure they were aware of the opportunity to undertake any infrastructure upgrades during the project construction phase.

The Council did take the opportunity to undertake remediation work to the historic (now redundant) gas infrastructure that remained in situ from the former coal-sourced reticulated gas network that existed around the Launceston CBD. This infrastructure is not part of the active natural gas network currently operating across parts of Launceston and Tasmania.

7.1.2 Public Questions on Notice - Mr Jim Dickenson - 6 May 2019**FILE NO:** SF6381**AUTHOR:** Anthea Rooney (Committee Clerk)**GENERAL MANAGER:** Michael Stretton (General Manager)

QUESTIONS and RESPONSES:

The following questions, submitted in writing to Council on 6 May 2019 by Mr Jim Dickenson, have been answered by the listed Council Officers. Questions have been typed as received.

Questions:

1. At Council meeting 22 October 2018 Agenda Item 18.1 the Invermay Traffic Master Plan report, was submitted to Council for adoption but was refused requiring further investigation. It is now some 6 months later, May 2019, and a revised report does not seem to be completed indicating considerable reworking is required. What new matters have arisen? When is a revised Report expected to be ready? This delay indicates the report will be considerably modified. Will it therefore be available for public comment before presenting to Council?

Response:

(Rob Anderson - Manager Technical Services)

Council Officers have been working with State Growth to complete additional traffic modelling and project assessment, especially relating to the challenging Goderich/Lindsay Street intersection and the proposed new traffic signals at Goderich/Gleadow Streets.

Council Officers have also presented further information to Councillors on the traffic and pedestrian interaction with the proposed University of Tasmania's development to provide further background to the nominated projects within the Traffic Masterplan.

It is expected that a new report will be presented to Council in early June 2019 with only minor changes proposed.

7.1.2 Public Questions on Notice - Mr Jim Dickenson - 6 May 2019 ...(Cont'd)

2. At Council meeting 6 December 2018 Agenda Item 15.1 the Building Heights and Massing Study report, was submitted to Council for adoption but withdrawn prior to the meeting to allow for further discussions with representors and local associations. It is now some 4 months later, May 2019. Is a revised report being worked on? When is it expected to be completed? Because community concern was a substantial reason for it's reworking, will the revised report be available for public comment before presenting to Council?

Response:

(Damien Fitzgerald - Team Leader Strategic City Development)

This process is continuing and subject to external consultant availability, the expected time-line is a Council Workshop is scheduled for the 23 May 2019, at which the revised recommendations (as a result of the additional stakeholder consultation) will be presented.

On 30 May 2019, the matter will then be referred to Council in order to seek endorsement of the Building Heights and Massing Study, including the revised recommendations by Paul Davies.

3. Launceston escaped by the skin of it's teeth recently in not losing two important lead light shopfronts. It seems Council has little control over shopfront development between the underside of an awning and the footpath. Whether such development occurs on a listed or unlisted property, the result will be extremely detrimental to the character of the city. Is Council currently preparing regulations/by-laws to immediately address this development oversight?

Response:

(Damien Fitzgerald - Team Leader Strategic City Development)

The current planning control mechanisms of shopfronts are dealt with under State and local heritage listings. 'Active ground floors' are dealt with under the business zone of the planning scheme.

The listing of properties as Local Heritage Places in the central City area is currently being reviewed, with over 100 additional properties proposed to be included in Launceston's Local Provision Schedule of the new Tasmanian Planning Scheme. The additional listings include those recommended by the Launceston Heritage Study and the Twentieth Century Architecture document as well as a number having come to light as part of the current review.

'Active ground floors' provisions exist in the current planning scheme and are to be retained in the new scheme under 'Design'.

7.1.2 Public Questions on Notice - Mr Jim Dickenson - 6 May 2019 ...(Cont'd)

The new planning controls being developed to deal with larger development proposals in the City centre, as part of the 'Launceston CBD Building Height and Massing Study', are also proposed to include provisions which will assist in creating and maintaining active shopfronts.

ATTACHMENTS:

1. Public Questions on Notice - Mr Jim Dickenson - 6 May 2019
-

Attachment 1 - Public Questions on Notice - Mr Jim Dickenson - 6 May 2019

Sent: Monday, 6 May 2019 8:15 AM
To: Michael Stretton <Michael.Stretton@launceston.tas.gov.au>
Subject: Questions on Notice

General Manager
Launceston City Council

Questions on Notice

Question One

At Council meeting 22 October 2018 Agenda Item 18.1 the Invermay Traffic Master Plan report, was submitted to Council for adoption but was refused requiring further investigation. It is now some 6 months later, May 2019, and a revised report does not seem to be completed indicating considerable reworking is required. What new matters have arisen? When is a revised Report expected to be ready? This delay indicates the report will be considerably modified. Will it therefore be available for public comment before presenting to Council?

Question Two

At Council meeting 6 December 2018 Agenda Item 15.1 the Building Heights and Massing Study report, was submitted to Council for adoption but withdrawn prior to the meeting to allow for further discussions with representors and local associations. It is now some 4 months later, May 2019. Is a revised report being worked on? When is it expected to be completed? Because community concern was a substantial reason for it's reworking, will the revised report be available for public comment before presenting to Council?

Question Three

Launceston escaped by the skin of it's teeth recently in not losing two important lead light shopfronts. It seems Council has little control over shopfront development between the underside of an awning and the footpath. Whether such development occurs on a listed or unlisted property, the result will be extremely detrimental to the character of the city. Is Council currently preparing regulations/by-laws to immediately address this development oversight ?

7.2 Public Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 31(2)(b)

(Members of the public who ask Questions without Notice at a meeting will have both the question and any answer provided recorded in the Minutes. Council Officers will endeavour to answer the question asked at the meeting, however, that is not always possible and more research may be required. If an answer cannot be provided at the Meeting, the question will be treated as a Question on Notice. A response will be provided at the next Council Meeting.)

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to items included in Agenda Item 8 - Planning Authority.

8 PLANNING AUTHORITY

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots

FILE NO: DA0637/2018

AUTHOR: Iain More (Town Planner)

DIRECTOR: Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

PLANNING APPLICATION INFORMATION:

Applicant:	6ty° Pty Ltd
Property:	24 Raglan Street Youngtown, 77 Victoria Street Youngtown and 24A Raglan Street, Youngtown
Zoning:	General Residential
Receipt Date:	6/11/2018
Validity Date:	4/12/2018
Further Information Request:	04/12/2018
Further Information Received:	04/04/2019
Deemed Approval (extension of time granted):	16/05/2019
Representations:	Three

STANDARDS REQUIRING COUNCIL DISCRETION

- 10.4.16 Frontage and access
- 10.4.17 Discharge of stormwater
- 10.4.19 Integrated urban landscape
- 10.4.20 Walking and cycling network
- 10.4.21 Lot diversity
- 10.4.23 Neighbourhood road network
- 10.4.24 Public transport network
- E10.6 Development Standards

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

E19.3.1 Co-ordination of subdivision

E4.5.1 Existing road accesses and junctions

E4.6.1 Development adjacent to roads and railways

E7.6.1 Scenic road corridor

E7.6.2 Scenic management areas

E9.6.1 Development in the vicinity of a watercourses and wetlands

RECOMMENDATION:

That, in accordance with sections 51 and 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2015, a permit be granted for DA0637/2018 - Subdivision - Subdivide land into 216 residential lots at 24 Raglan Street Youngtown, 77 Victoria Street Youngtown and 24A Raglan Street, Youngtown subject to the following conditions:

1. ENDORSED PLANS & DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Manager City Development unless modified by a condition of the Permit:

- a. Bushfire Hazard Management Report, prepared by accredited bushfire practitioner Scott Livingston (BFP-105) and signed on 1 November 2018;
- b. Preliminary Site Investigation, prepared by Environmental Service & Design, dated 30 October 2018;
- c. Traffic Impact Assessment, prepared by 6ty^o, dated 14/01/2019;
- d. Natural Values Assessment, prepared by North Baker Ecosystem Services, dated 14/12/2018;
- e. Technical memo, prepared by Tarkarri Engineering, Reference 5240_AC_R, dated 08/04/2019;
- f. Kings Meadows Rivulet Catchment Stormwater Design, prepared by 6ty^o, dated 30/11/2018;
- g. Planning Submission, prepared by 6ty^o, dated 07/02/2019;
- h. Response to further information, prepared by 6ty^o, dated 16/01/2019;
- i. Subdivision layout proposal plan, prepared by 6ty^o, project no. 14.176, drawing no. P01, Revision A, dated 25/01/2019;
- j. Waterway landscaping plan, prepared by 6ty^o, project no. 14.176, drawing no. P03, Revision A, dated 25/01/2019;
- k. Rivulet and waterway cross sections, prepared by 6ty^o, project no. 14.176, drawing no. P04, dated 22/11/2018
- l. Existing building boundary Lot 212 offsets plan, prepared by 6ty^o, project no. 14.176, drawing no. P05, Revision A, dated 25/01/2019;
- m. Existing building boundary Lot 196 offsets plan, prepared by 6ty^o, project no. 14.176, drawing no. P06, Revision B, dated 25/01/2019;
- n. Subdivision services layout proposal plan, prepared by 6ty^o, project no. 14.176, drawing no. P08, Revision A, dated 25/01/2019;

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- o. Boundary resolution Lot 82 & Road, prepared by 6ty^o, project no. 14.176, drawing no. P09, dated 17/12/2018;
- p. Detention basin plan, prepared by 6ty^o, project no. 14.176, drawing no. P11, dated 25/01/2019;
- q. Stormwater discharge WSUD design plan, prepared by 6ty^o, project no. 14.176, drawing no. P12, dated 25/01/2019;
- r. Rivulet treatment detail plan, prepared by 6ty^o, project no. 14.176, drawing no. P13, dated 25/01/2019;
- s. Rivulet treatment northern detail plan, prepared by 6ty^o, project no. 14.176, drawing no. P14, dated 25/01/2019; and
- t. Rivulet & waterway cross sections, prepared by 6ty^o, project no. 14.176, drawing no. P15, dated 22/11/2018.

2. AMENDED PLANS REQUIRED

Prior to the commencement of any work and use, amended plans must be submitted to show:

Infrastructure requirements:

- 1. The watercourse redesigned to have the following features:
 - a. Low flow channel sized to accommodate a 1 in 2 year ARI storm event (50% AEP)
 - b. Flood flows at the 1 in 100 ARI (1% AEP) must have a flood hazard of H4 or less in accordance with the Australian Institute for Disaster Resilience Guideline 7.3 Flood Hazard, (excluding the low flow zone),
 - c. Floodway must accommodate a 1 in 100 year flood event and provide 300mm freeboard to the top of the embankment,
 - d. The maximum gradient of the floodway embankment is to be 1:6 (v:h).
- 2. The minimum space for vehicle access must be 6 metres from the top of the flooding embankment to the property boundary and must be clear of trees and shrubs.
- 3. The footprint of the relocated watercourse and the associated access works describe above are to be contained in a single lot denoted as drainage easement.
- 4. Lots 73 and 74 are to be denoted as drainage reserve to facilitate the construction of the required detention structure.
- 5. Delete Lots 13, 15-20 from the plan (due to proximity to watercourse and the risk to persons and property due to flooding and potential erosion).
- 6. All consequential changes to facilitate the above requirements.

Planning requirements:

- a. A Subdivision layout proposal plan;
- b. Staging Plan; and
- c. Title resolution plan.

Once approved by the Manager City Development, these amended plans will be endorsed and will then form part of the Permit and shall supersede the original endorsed plans.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

3. DEPARTMENT OF STATE GROWTH

- a. With respect to site drainage discharge to the Bass Highway road reserve, the applicant shall request and obtain ministerial consent under section 17 of the *Roads and Jetties Act 1935* prior to the commencement of works. This can be facilitated via the Crown Land Owner Consent process form which can be found at www.transport.tas.gov.au/road/permits/crown_landowner_consent <http://www.transport.tas.gov.au/road/permits/crown_landowner_consent>.
- b. The applicant must provide details/drawings of all stormwater drainage upgrades, including underground stormwater reticulation, that is directed to the State Road reserve to the Department for review and acceptance prior to commencing any works; and
- c. The applicant shall obtain a permit from the Department State Growth for any works to be undertaken within the State Road reservation in relation to above. Application requirements and forms can be found at www.transport.tas.gov.au/road/permits/service-works <<https://www.transport.tas.gov.au/road/permits/service-works>>, applications must be submitted at least 28 days prior to any scheduled works. In accordance with the *Roads and Jetties Act 1935*, no works shall be commenced within the State Road reservation until a permit has been issued.

4. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference TWDA No. 2018/01837-LCC, dated 05/02/2019, and attached to the permit.

5. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

6. PART 5 (SECTION 71) AGREEMENTS

Prior to this permit becoming effective, a Section 71 agreement must be executed. Lots referenced, being 19-38 are as per the assessment undertaken by endorsed document 'Technical Memo, prepared by Tarkarri Engineering, dated 8/04/2019, and relate to these lots, or future lots which may be subject to change.

The agreement must provide for the following:

- a. Technical Memo, prepared by Tarkarri Engineering, dated 8/04/2019 must be annexed to the Part 5 agreement;
- b. No habitable buildings are to be constructed within a 35m setback from the Midlands Highway road reserve for Lots 19-38;
- c. All dwellings constructed on Lots 19-38 are to be designed with the following:
 - (i) Assessed by a suitably qualified Acoustic Engineer following the processes of AS3671-1989. The following LA10,18hr levels would be applicable at the 35m setback distance for each Lot:
 - a. 69 dBA: Lots 19-26; and

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- b. 66 dBA: Lots 27-38 (for double storey developments on these blocks the 69 dBA LA10,18hr value would apply to the second storey).

Once executed, the agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*. All cost associated with preparing and registering the Agreement must be borne by the applicant.

Once executed the Part 5 agreement must be complied with, including the lodgement of all new development applications that are affected by the agreement.

Any advertising material pertaining to lots affected by the Part 5 agreement must disclose that a Part 5 agreement is on the title and the requirements of the agreement.

7. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

8. STAGING AND ROAD LINK COMPLETION

- a. Prior to the commencement of works, a staging plan must be submitted for and approved by Council. Once approved, the Staging Plan will form part of this approval. The staging plan must address how the site will be managed for active workings and rehabilitation of previous stages;
- b. A maximum of 60 residential lots are permitted to be created prior to the completion of the link road. Lots shown on the final plan of survey showing the completed link road do not form part of the 60 permitted lots.

9. DAMAGE TO COUNCIL INFRASTRUCTURE

The developer is liable for all costs associated with damage to Council infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

10. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

The explicit permission of Technical Services is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.

11. ROAD CROSSINGS FOR SERVICE CONNECTIONS

Where it is required by a service provider (ie. TasWater, Telstra, Aurora, etc) to upgrade, relocate or remove an existing connection or install a new connection under an existing road, the developer must apply to Council's Built Environment Manager for approval to install the connection.

The approved installation method is direction drilling/boring. Open trench installation will not be permitted except in exceptional circumstances and requires the written consent of the Council's Technical Services Manager who will specify the required construction and reinstatement works.

No work shall commence for the installation, alteration or removal of the connection until such time as the service crossing approval has been obtained.

12 SOIL AND WATER MANAGEMENT CONTROL PLAN

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during the construction process. The management plan must include the following:

- a. Allotment boundaries, contours, approximate grades of slope and directions of fall.
 - b. Location of all existing and proposed adjoining roads, impervious surfaces, underground services and existing drainage.
 - c. Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
 - d. Critical natural areas such as drainage lines, wetlands, dams and unstable ground.
 - e. The results of soil testing to determine nature and characteristics of the soils within and adjacent to the waterway and specific measures required to address these characteristics.
 - f. The erosion control practices to be used on the site such as cut off drains, creation and fencing of exclusion areas, revegetation program and the like.
 - g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and the like.
 - h. The estimated dates for the start and finish of the works including the timing of the site rehabilitation or landscaping program.
-

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- i. Details of the inspection and maintenance regime for the erosion and sediment controls.

Where it is proposed that the works shall be carried out in stages, the overall concept plan must be provided with the detailed plan for the first stage of works with each subsequent stage requiring the further provision of the detailed plan for that stage prior to the commencement of the work on that stage.

Works must not commence prior to the approval of the Soil and Water Management Control Plan by the Director Infrastructure Services. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

13. FILLING OF DAMS AND LAND GENERALLY

Site filling that exceeds a depth of 300mm must comply with the provisions of AS3798 Guidelines on earthworks for commercial and residential developments current at the time of the application.

The draining and filling regime of the dams located on the site is to be designed and supervised by a geotechnical engineer and shall have regard to the results of soil tests carried out to assess the dispersive nature of any material disturbed or used.

The completed filling works must be certified by a geotechnical engineer prior to the installation of any public infrastructure in or on the filled land or within the zone of influence of the filling works.

14. PROTECTION OF PIPELINES

The existing underground Council pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. Footings must be no closer than 1.5m from the outer edge of the pipe.
- b. Footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe.
- c. There must be a minimum clear space between buildings or substantial structures of at least 3m in width to allow maintenance along the line of the pipe.
- d. Manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the General Manager or his delegate pursuant to section 13 of the *Urban Drainage Act 2013*.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

15. PROTECTION OF COUNCIL OWNED LAND (DRAINAGE RESERVE)

The Council Owned Land is to be protected from damage during the construction works by ensuring that:

- a. Prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Council owned land and the subject site.
- b. No building material, stockpiles, skip bins or machinery are to be stored on the Council owned land.
- c. No excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of Council to maintain, the Council owned land.
- d. No access to the subject site is permitted via the Council owned land without express written consent from the Director Infrastructure Services.
- e. Where permission is granted to access subject site via the Council owned land, any and all damage caused to the Council owned land is to be remediated within the timeframe specified in the written consent to access.

16. RETICULATED SERVICES

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

17. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the Director Infrastructure Services for approval. Such plans and specifications must:

- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - (i) Stormwater modelling for both the modified watercourse and the piped network, including the detention structures.
 - (ii) Construction Environmental Management Plan.
 - (iii) Detailed Soil and Water Management Plan.
 - (iv) Landscaping Plan for the Drainage Reserves, Public Open Space and the Road Reserves.
 - (v) Electricity infrastructure including street lighting.
 - (vi) Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
 - (vii) Evidence of assessment by TasGas Networks re provision of reticulated gas network.
 - b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
 - c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
-

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- d. be accompanied by:
 - (i) an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
 - (ii) a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

18. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the Director Infrastructure Services.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
 - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
 - ii. The provision of a DN 100 connection to the lowest point of each lot,
 - iii. Provision of detention storage within the Glenara Lakes catchment to maintain the post development peak flow to the pre-development level for a 20% impervious fraction for flows up to and including, a 1 in 20 ARI (5% AEP),
 - iv. Provision of an overland flow path for flows up to a 100 year ARI (1% AEP) storm event.
- b. Relocated Watercourse
 - i. Provision of a low flow channel sized to accommodate a 1 in 2 year ARI storm event (50% AEP),
 - ii. Provision of a flood flows at the 1 in 100 ARI (1% AEP) must have a flood hazard of H4 or less in accordance with the Australian Institute for Disaster Resilience Guideline 7.3 Flood Hazard, excluding the low flow zone,
 - iii. Floodway must accommodate a 1 in 100 year flood event and provide 300mm freeboard to the top of the embankment,
 - iv. The maximum gradient of the floodway embankment is to be 1:6 (v:h),
 - v. The installation of stormwater discharge points and associated water sensitive urban design elements, extended to be not less than 6m clear of the top of the flooding embankment,
 - vi. Provision of a minimum space for vehicle access from the top of the flooding embankment to any private property boundary of 6m capable of being accessed by 2WD vehicles.
- c. Roads - General
 - i. Construction of a 9m (minimum) diameter roundabout with a 4m diameter raised central core and a 19m (nominal) diameter kerblines at the intersection of the northern portion of Raglan Street, the approved road to the east and the subdivisional road,

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- ii. Provision of a fully constructed road 8.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel,
 - iii. Provision of a 1500mm wide footpath located on both sides of the link road and all necessary pedestrian kerb ramps,
 - iii. Provision of a 1500mm wide footpath located on one side of all other roads and all necessary pedestrian kerb ramps,
 - iv. Provision of a single vehicular crossing for each lot within the subdivision,
 - v. Provision of a sealed temporary turning head of a suitable size for incomplete roads,
 - vi. all necessary line marking, signage and other traffic control devices.
 - d. Roads - Cul de sacs serving Lots 66-79 and Lots 191-197
 - i. Provision of a fully constructed road 6.9m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel,
 - ii. Provision of a 1500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps,
 - iii. Provision of a single vehicular crossing for each lot within the subdivision,
 - iv. Provision of a sealed temporary turning head of a suitable size for incomplete roads,
 - v. all necessary line marking, signage and other traffic control devices.
 - e. Public Open Space & Drainage Reserves
 - i. All side and rear boundaries of private lots abutting public open space or drainage reserves are to be fenced with 1.5m high paling fence or equivalent prior to Practical Completion of the stage creating the public open space or drainage reserve.
 - ii. All public open space lots and drainage reserves must be landscaped in accordance with the approved landscaping plan, free from weeds and provided with vehicle access from the road for maintenance purposes and works (bollards or other approved barriers) to prevent unauthorised vehicular access.
 - iii. Public open space lots are to be provided with connecting footpaths and all necessary drainage.
 - f. Electricity, Communications and Other Utilities
 - i. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority,
 - ii. An underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority,
 - iii. Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure,
 - iv. Provision of reticulated gas network to service all lots and installed to the approval of the Responsible Authority.
-

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

1. Construction requirements,
2. Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
3. Construction Audit inspections,
4. Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

19. WORKS REQUIRED FOR EACH LOT IN A STAGE

Where it is proposed to release the subdivision in multiple stages, each lot in a stage must be provided with the following infrastructure and/or services in order to be included in the stage to be released:

- a. Fully constructed public road along all frontages, including the secondary frontage where a corner lot,
- b. A sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition
- c. A stormwater connection to the public drainage system,
- d. Access to underground electricity and communications infrastructure, and
- e. Where applicable, reticulated gas infrastructure.

20. CONSTRUCTION DOCUMENTATION

At the time of practical completion for the public works, the developer must provide Council with construction documentation sufficient to show that the works are completed in accordance with Council standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. An "as constructed" plan in accordance with Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure Services Directorate.
- b. A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. Compaction and soil test results for all earthworks or pavement works.
- d. An engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.

21. EASEMENTS

Easements are required over all Council and third party services and overland flow paths located in private property. The minimum width of any easement must be 3m for Council (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475mm, where the depth of the pipe exceeds 2.1m or the easement is for an overland flow

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

path. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

22. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of site works a detailed Construction Environmental Management Plan (CEMP) for the entire site is to be submitted for approval. The plan is to detail the operation of the site during the construction phase and the specific actions to address the matters listed below:

- Site access
- Protection of flora and fauna
- Protection of heritage features
- Soil management
- Erosion and sediment control
- Protection of waterways
- Weed management
- Waste management
- Noise
- Air emissions
- Training

No works are to commence prior to the approval of the CEMP by the Director Infrastructure Services.

23. CONSTRUCTION OF RELOCATED WATERCOURSE

The relocated watercourse; and the permitted stormwater discharge points with water sensitive urban design outlet treatments; are to be completed in accordance with the approved engineering design plans, and the works issued with a Certificate of Practical Completion by the Director Infrastructure Services, a minimum of 12 months prior to the commencement of works on the first stage of the subdivision requiring a connection to the permitted stormwater discharge points.

24. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the Director Infrastructure Services:

- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
 - b. The subsequent issue of a Certificate of Practical Completion by the Director Infrastructure Services.
 - c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.
-

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

25. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue titles. All costs involved in this procedure must be met by the Subdivider.

26. CONVEYANCE OF PUBLIC OPEN SPACE AND DRAINAGE RESERVES

All public open space lots and drainage reserves in the Subdivision must be conveyed to the Council upon the issue of titles. All costs involved in this procedure must be met by the Subdivider.

27. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.

28. DEMOLITION

The Developer must:

- a. carry out all demolition work in accordance with Safe Work Australia *'Demolition Work' Code of Practice* or any subsequent versions of the document;
- b. protect property and services which are to either remain on or adjacent to the site from interference or damage and erect dust screens as necessary;
- c. not undertake any burning of waste materials on site;
- d. remove all rubbish from the site for disposal at a licensed refuse disposal site;
- e. dispose of any asbestos found during demolition in accordance with the Safe Work Australia *'How to Safely Remove Asbestos' Code of Practice* or any subsequent versions of the document

29. PROTECTION OF PUBLIC OPEN SPACE

The Public Open Space and any land set aside for Public Open Space is to be protected from damage during the subdivisional construction works by ensuring that:

- a. Prior to commencing any work on the subject site the owner must erect fencing on the boundary between the Public Open Space and the subject site.
 - b. No building material, stockpiles, skip bins or machinery are to be stored on the Public Open Space.
 - c. No excavation or fill works within the subject site are permitted to extend into, impact upon the stability of, or reduce the ability of Council to maintain, the Public Open Space.
 - d. No access to the subject site is permitted via the Public Open Space without express written consent from the Director Infrastructure Services.
-

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- e. Where permission is granted to access subject site via the Public Open Space, any and all damage caused to the Public Open Space is to be remediated within the timeframe specified in the written consent to access.

30. PROPORTIONAL PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Where the area dedicated as public open space is less than 5% of the subdivision, the developer must pay to the Council a sum equivalent to the difference of these values.

The valuation shall be determined by a registered land valuer and must be not more than 12 months old at the time of the sealing of the final plan. Valuations are to be procured at the subdivider's expense.

Payment is required prior to the sealing of the Final Plan of Survey creating the public open space lot.

31. STREET TREE INSTALLATION

The street trees as shown in the approved landscaping plan are to be installed prior to the sealing of the final plan of survey, unless the Director Infrastructure Services approves a later installation date, which may or may not be subject to further conditions. Each shade tree is to be provided with a means of irrigation, a root guard to prevent damage to adjoining infrastructure and an anti-vandalism tie down to prevent removal and be coordinated with the construction plans of underground services and pavement works so as to provide sufficient clearances around each shade tree.

32. LANDSCAPING PLAN FOR THE DRAINAGE RESERVES, PUBLIC OPEN SPACE AND ROAD RESERVES

Prior to the commencement of works, a landscaping plan for the drainage reserves, public open space and road reserves is to be approved by the Director Infrastructure Services. The landscaping design is to be prepared having regard to the Bushfire Hazard Management Plan.

The plan must incorporate ground covers and grasses, understorey and canopy species within the drainage reserve, suitable for their location relative to the water course.

The public open space is to be grassed and free from weeds and rubbish.

The plan is to provide for the installation of shade trees of an approved species with a minimum planted height of 2.5m, a minimum trunk diameter of 25mm (measured 1m above the surface) in all road reserves and at an average spacing of one per 18 m of frontage.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

33. MANAGEMENT MANUAL FOR WATER SENSITIVE URBAN DESIGN ELEMENTS

Prior to the handing over of the water sensitive design elements, the applicant must provide a management manual for these elements detailing the extent of the public system in terms of length, cross-sections, longitudinal grades and the plant species used (where applicable). The locations of any gabions, weirs or other fixed elements shall also be included. The manual shall also provide details of the maintenance regime required to ensure the continued effective operation of each of the elements.

34. EXTENDED MAINTENANCE PERIOD FOR WATER SENSITIVE URBAN DESIGN ELEMENTS

An extended maintenance period of 24 months applies to the water sensitive design elements. During the 24 month period, commencing on the date of the Practical Completion inspection, the applicant shall be responsible for all maintenance including replanting of vegetation, weeding and other vegetation management activities, repair and replacement of any hard elements such as gabions and placed rock, within the swales, the removal of trash and coarse sediments and other maintenance activities necessary to maintain the effective operation of the system.

35. ROAD CLOSURE

Prior to the sealing of the first stage:

- a. The following notations are to be removed from the respective plans:
 - (i) The notation "roadway" must be removed from P158789.
 - (ii) The notation "roadway" must be removed from SP131894.
 - (iii) The notation "Right of Way" must be removed from P16098.
- b. That formal highway closure pursuant to section 14 of the *Local Government Act 1993* is made to effect closure of the areas indicated in red on the attached plan.

Notes

A. General

This permit was issued based on the proposal documents submitted for DA0637/2018. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on 6323 3000.

This permit takes effect after:

- a. *The 14 day appeal period expires; or*
- b. *Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. *Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. *Any other required approvals under this or any other Act are granted.*

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to Council.

B. Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is affected, restricted or prohibited by any such covenant.

If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

C. Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au <http://www.rmpat.tas.gov.au>

D. Permit Commencement

If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

E. Department of State Growth

The Department of State Growth (nor its successors) has no control over current, or further increases in, traffic noise arising from the Midland Highway and subsequently no requirement to address any concerns relating to traffic noise that may arise in the future. This is inclusive of funding and/or providing any form of sound mitigation or attenuation treatments and signage. It is the responsibility of the applicant to consider the impacts from traffic noise including potential increases that may occur over time from future traffic volume growth. Provision and associated costs of any appropriate sound mitigation measures are a matter for the applicant and if undertaken, must be outside the State Road reserve boundary.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

F. Reserves, Parks and Gardens By-Law

Pursuant to Clause 7(7) of City of Launceston By-law, Reserves, Parks and Gardens By-law No.4 of 2009, boundary fences abutting the public open space (Woods Reserve) are not permitted to have any openings or gates allowing pedestrian or vehicular access to or from the private property into the reserve. No approval for such an access is given and failure to comply with this condition may result in the issue of a fine pursuant to the by-law.

REPORT:**1. THE PROPOSAL****Subdivision:**

It is proposed to subdivide six lots into 216 lots in total, resulting in each lot having an average area of 1,074m². A more specific breakdown of the proposed lot sizes is as follows:

Lot Size	No. of Lots	Overall percentage (%)
500m ² - 600m ²	18	8
600m ² - 700m ²	87	40
700m ² - 800m ²	84	39
800m ² - 900m ²	6	3
900m ² - 1,000m ²	3	1
1,000m ² - 1,500m ²	17	8
1,500m ² and greater	1	Less than 1

It is also proposed to create two drainage lots with a total area of 1.05ha. An area of 1,590m² public open space lot has also been identified which will form part of a larger parkland for an approved subdivision to the east.

Under the General Residential Zone the minimum lot size is 500m² under the acceptable solution. Therefore, there are 21 lots that have the potential to be further subdivided.

Demolition:

There are two existing dwellings located within 24 Raglan Street and one dwelling within 24A Raglan Street that will be demolished in conjunction with the construction of the proposed subdivision. There are existing outbuildings located throughout the site that will be demolished, as will several nursery buildings located within the proposed Lots 72 to 74.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Dam removal and excavation:

It is proposed to decommission and remove the existing two dams located within the north-west corner of the site as well as undertake significant excavation and flattening of the site.

Building retention:

There are two existing dwellings located within 77 Victoria Street that will be retained within the proposed Lot 196 (1017m²) and Lot 212 (1001m²).

Vegetation management:

The vegetation screen within the site along the Midland Highway is proposed to be retained. The screen along the Kings Meadows Link will be removed and replaced with a vegetation screen.

Road network:

A loop road network will be constructed within the proposed subdivision. It will provide for connection with two constructed sections of Raglan Street to the north-west of the existing dwellings in the street. It will also align with the road loop associated with the approved subdivision at 5 Dundas Street. The proposed subdivision will include the provision of a footpath on each proposed road. This will provide for pedestrian access and connectivity consistent with existing similar infrastructure within the surrounding residential to the east and across the Kings Meadows Link.

Service infrastructure:

The public stormwater infrastructure within the north-west corner of the site, associated with the modified alignment Kings Meadows Rivulet, will be relocated to the proposed drainage reserve in this area. The relocated infrastructure is also intended to accommodate existing flood waters associated with the upstream catchments of the rivulet. The drainage reserve will have frontage to the road loop through the subdivision.

The stormwater infrastructure associated with the proposed Lot 73 is intended to provide detention basin storage prior to discharge into the public stormwater infrastructure that passes through the property containing Glenara Lakes.

Existing reticulated water supply, sewerage, telecommunications and electricity infrastructure adjacent is also proposed to be extended to service the proposed subdivision.

Note:

The proposal is for 216 useable residential lots, as well as a lot for public open space, the waterway rivulet lot, and balance lot. During the assessment of the application it has been recommend that a total of seven lots be removed due to their proximity to a watercourse and potential impacts on those lots and the waterway. This will result in a total of 209 useable residential lots, as well as the three other lots for public open space, waterway rivulet, and balance.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

2. LOCATION AND NEIGHBOURHOOD CHARACTER**Subject site:**

The subject site is comprised of six lots with a combined area of 23.2ha. The land largely comprises of grassland and currently also includes five dwellings, several outbuildings, two farm dams and tree plantings including screening along the Kings Meadows Link, Midland Highway and the south-east boundary of the site.

Surrounding land:

The subject site is located to the south-west of Raglan Street, south-east of the Kings Meadows Link and north-east of the Midland Highway.

The land to the north-east of the site at 5 Dundas Street has been approved for a 53-lot residential subdivision, under the terms of Planning Permit DA0222/2016. The land between the site and 5 Dundas Street includes sections of Raglan Street that have been constructed within CT 160981/1 to the west and CT 158789/1 to the east. These sections will provide a connection for the road loop that will be constructed as part of the proposed subdivision. The section to the north-west extends from a roundabout at the junction of Raglan Street, the Kings Meadows Link and Connector Park Drive.

The land to the east of the site is an established residential area within Youngtown, which is accessed from Hobart Road predominantly via Victoria Street. Youngtown Primary School is located centrally along, and on the southern side of, Victoria Street. The land to the south-east of the site contains the Glenara Lakes Lifestyle Village, which includes an 88-bed residential aged care facility, 93 self-contained villas and a further 20 approved villas (currently under construction).

The land on the opposite side of the Kings Meadows Link contains the Connector Park precinct, which includes a diverse mix of light industrial and commercial uses. The land on the western side of the Midland Highway contains Kate Reed Reserve.

Topography:

The land within the site is mostly situated between the 100m and 115m contours and therefore contains slopes that are relatively gentle. There are two separate drainage catchments associated with the site, which are broadly divided along a north-south axis that extends centrally through the site.

The western portion of the site falls towards the Kings Meadows Rivulet, which extends through the north-west corner of the site. The upstream section of the rivulet is located to the south of the site and drains under the Midland Highway. A tributary, which drains a portion of Prospect Vale on the eastern side of Westbury Road, also drains under the highway and enters the Kings Meadows rivulet downslope of the dams within the site. The natural course of both the rivulet and tributary has previously been modified to their current

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

alignment. After extending through the site, the rivulet passes under the Kings Meadows Link.

The eastern portion of the site has a fall in this direction, away from the rivulet. The proposed subdivision within this part of the site will drain towards public stormwater infrastructure that passes through the property containing Glenara Lakes and ultimately discharges into Jingle Creek.

Natural hazards:

Kings Meadows Rivulet and the associated tributary have the capacity to convey large volumes of water through the site, which exposes the north-west corner of the site to a risk of inundation during a 1:100 year ARI (1% AEP) flood event. The site largely comprises grassland although includes other vegetation including trees adjacent to existing dwellings and screening along the Kings Meadows Link, Midland Highway and the eastern portion of CT 243882/1. It is described as a combination of agricultural, urban and exotic vegetation according to TASVEG 3.0 mapping. The site does not contain a native vegetation community and is not identified within an area of priority habitat on the Scheme overlay maps.

The land within the subdivision will mostly be managed as low threat vegetation, although the vegetation screen along the Midland Highway will be retained. This is contiguous with bushfire prone vegetation associated with Kate Reed Reserve to the south-west. A combination of grassland and woodland is also located within the Glenara Lakes property, which adjoins the eastern boundary of the site. Portions of the site adjacent to its southern and western boundaries are therefore, considered to be bushfire-prone. The provisions of the Bushfire-Prone Areas Code in the Scheme therefore apply to the subdivision in these areas.

Access:

The site has frontage to, and includes a portion of, Raglan Street. The road infrastructure included in the proposed subdivision will provide for a connection to the sections of Raglan Street located directly to the north-east of the site. The nearest bus routes are located along Hobart Road, approximately 1km to the east of the site.

3. PLANNING SCHEME REQUIREMENTS

3.1 Zone Purpose

10.0 General Residential Zone

10.1.1 Zone Purpose Statements

10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.

10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.

Consistent

The proposal is for a 216 lot subdivision at 24 Raglan Street, Youngtown. The proposal will provide a range of lots of varying sizes and shapes to accommodate a range of dwellings that will be able to connect to all reticulated services. The design of the subdivision respects and reflects the current residential neighbourhood design. Therefore, the proposal has been considered to meet the zone purpose statements.

10.4 Development Standards

10.4.15 Lot size and dimensions

Objective:

To ensure the area and dimensions of lots are appropriate for the intended use of the lots.

Consistent

Consistency with the objective has been achieved as the proposal ensures the area and dimensions of lots are appropriate for the intended use of the lots.

A1.1 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) have a minimum area of no less than 500m² ; and
- (b) be able to contain a rectangle measuring 10m by 15m; or

A1.2 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or
- (b) be required for the provision of public utilities; or
- (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and

A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.

Complies

A1.1

Each lot has a minimum area of 500m² and able to contain a rectangle measuring 10m x 15m.

A1.3

The site also contains two existing dwelling both of which will have new lots. The lots in question are proposed Lots 196 and 212.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

The dwelling contained within Lot 196 is setback 6.7m to the front boundary, 4m to the rear boundary, 4.1m to the south eastern side boundary, and 11.3m to the north western boundary, and wholly contained within the building envelope.

The dwelling contained within Lot 212 is setback in excess of 15m from the front boundary, 4.9m from the north western side boundary, 4.4m from the south eastern side boundary, and 6.4m to the northern side boundary, and wholly contained within the building envelope.

All garages will have a setback from the primary frontage in excess of 5.5m.

10.4.16 Frontage and access

Objective:

To ensure that lots provide:

- (a) appropriate frontage to a road; and
- (b) safe and appropriate access suitable for the intended use.

Consistent

Consistency with the objective has been achieved as the proposal ensures all lots have appropriate frontage and safe and appropriate access.

A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.

Complies

Each lot will have at a minimum, 3.6m of road frontage maintained by a road authority.

A2 No acceptable solution.

Relies on Performance Criteria

P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:

- (a) the topography of the site;
- (b) the distance between the lot or building area and the carriageway;
- (c) the nature of the road and the traffic;
- (d) the character of the area; and
- (e) the advice of the road authority.

Complies

As stated under Clause 10.4.16 A1, each lot will have, at minimum 3.6m of frontage to a road. As the site is relatively flat, topography will not constrain any new access points. The majority of lots will have direct road frontage and the distance between the available building area and carriageway, including for internal lots, will be minimal. Due to the design of the subdivision lots will be accessed via the new road or cul-de-sac. A single driveway crossover for each lot will be provided as part of the development, which is consistent with the access arrangements associated with residential properties in the surrounding area. The proposal therefore complies with the performance criteria.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

10.4.17 Discharge of stormwater

Objective: To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
Consistent
Consistency with the objective has been achieved as the proposal ensures that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
Complies
Each lot is capable of connecting to a public stormwater reticulated system.
A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.
Relies on Performance Criteria
As no advice has been obtained reliance on the performance criteria is sought.
P2 Stormwater discharge flows from the subdivision are mitigated to a level that the public stormwater system can accommodate, having regard to: <ul style="list-style-type: none"> (a) the location of the discharge point (if any); (b) stormwater flow paths both internal and external to the site; (c) the topography of the site; (d) the characteristics of the site, including rainfall; (e) the development of the site; (f) the additional runoff from the subdivision development and likely future development of the land; and (g) any onsite storage devices, detention basins or other water sensitive urban design techniques within the subdivision.
Complies
The development site straddles two stormwater catchments. Approximately 14ha of the site drains into the Kings Meadows Rivulet with the remaining 9ha draining to Jingleers Creek via Glenara Lakes.
<u>Kings Meadows Rivulet (Northern) Sub-Catchment</u> The existing waterway through the development site serves two sub-catchments of the overall catchment. The northern sub-catchment flows through Kate Reed Reserve and drains parts of Prospect. This catchment is approximately 282ha in size and includes 56ha of urban development, 70ha of woodland reserve and 158ha of rural land used predominately for grazing. The southern sub-catchment is approximately 198ha in size and is mostly partially cleared farming land.
The flow from these two sub-catchments combine near Lot 15. The waterway below this point lies parallel to a new road before turning near Lot 13 and connecting to the existing

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

culvert under the Kings Meadows Connector. Lot 13 is shown 3m from the waterway on the outside of a 90 bend. This location is likely to be effected by erosion and the space available does not allow access to this section of the reserve for maintenance purposes. Lot 13 should be deleted because of the risk of erosion of the waterway embankment and this has been recommended as a condition of the permit. This is the same case for lots 15 through to 20, due to their proximity to the watercourse and risk to persons and property due to flooding and potential erosion, have been recommended for removal.

The stormwater outlets from the subdivision that connect to Kings Meadows Rivulet include water sensitive urban design (WSUD) erosion protection and point source pollution control measures. Conditions have been imposed to require detailed design of both WSUD and pollution controls.

Glenara Lakes Catchment

The drainage from the southern section of the development site flows to Jingers Creek via Glenara Lakes. Glenara Lakes are privately owned and maintained. The flow capacities and characteristics for these lakes are not known and the stormwater modelling provided at application stage for these lakes is not sufficiently detailed to guide the design criteria for the discharge from the subdivision.

Detention storage is required to limit the peak stormwater outflow from the subdivision. The existing peak site flows are to be calculated with and adopted allowable pre-development impervious percentage is 20% for the catchment. The proposal therefore complies with the performance criteria as the development will be able to retain stormwater whilst connecting to the reticulated system.

10.4.18 Water and sewerage services

Objective:

To ensure each lot provides for appropriate water supply and wastewater disposal.

Consistent

A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.

Complies

Each lot is capable of connecting to a public reticulated water system.

A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.

Complies

Each lot is capable of connecting to a public reticulated sewerage system.

10.4.19 Integrated urban landscape

Objective:

To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Consistent
Consistency with the objective has been achieved as the proposal ensures the landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.
A1 Subdivision does not create any new road, public open space or other reserves.
Relies on Performance Criteria
As a new road, area for public open space, and reserve are being created, reliance on the performance criteria is sought.
P1 Subdivision must be designed to enhance the amenity of the area having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) any significant natural and cultural features of the site; (c) access to public open spaces and roads; (d) the retention of existing vegetation; (e) linking areas of significant local habitat; and (f) the character of the surrounding area.
Complies
<p>As the site is generally flat, the introduction of a residential development will not constrain the surrounding area but rather enhance the existing residential character of the site. The site does not contain any significant natural or cultural features and as such development will not constrain the region. The proposal includes an area of approximately 1,124m² of public open space to enhance the amenity of the area. This public open space will adhere to an approved public open space parcel of land on the adjoining residential subdivision at 5 Dundas Street and be available to the public. Vegetation along the Midland Highway will be retained and the Kings Meadows Link vegetation will be replaced with a 5m wide vegetated strip for screening and visual amenity, noting that the site does not contain any significant local habitat.</p> <p>The surrounding area includes medium density residential development to the north-east and a light industrial/commercial precinct to the north-west. The development in these areas generally has not allowed for the retention of significant remnant vegetation within private lots. However, the site is located adjacent to the Midland Highway and the Kate Reed Reserve to the west. The retention of the vegetation screen along the Midland Highway frontage, and modification of the screen along the Kings Meadows Link, will mitigate the visual impact of residential development within the site when viewed from these areas. As such the proposal complies with the performance criteria.</p>

10.4.20 Walking and cycling network

Objective:
To:
<ul style="list-style-type: none"> (a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists; (b) design footpaths, shared path and cycle path networks that are safe and accessible; and (c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Consistent
Consistency with the objective has been achieved as the proposal allows for safe movement between neighbourhoods and the proposed subdivision.
A1 Subdivision does not create any new road, footpath or public open space.
Relies on Performance Criteria
As new roads, footpaths, and public open space is proposed, reliance on the performance criteria is required.
P1 Subdivision provides roads, footpaths or public open spaces that are designed to provide safe and convenient walking and cycling networks, having regard to: <ul style="list-style-type: none"> (a) linkages to any existing pedestrian and cycling networks; (b) connection of footpaths, shared paths, cycle paths and bicycle lanes; (c) access for cycling and walking to activity centres, community facilities, bus stops and public transport routes and public open spaces; (d) the road network and public open spaces; and (e) passive surveillance.
Complies
The subdivision will include a new footpath on each road which will provide for a connection to existing footpaths in Raglan Street as well as the Kings Meadows Link Road. Both the road and footpath will allow for pedestrian and cycle movements both within the subdivision and to surrounding activity centres, community facilities, bus stops, and public open spaces. The proposal therefore complies with the performance criteria.

10.4.21 Lot diversity

Objective:
To provide a range and mix of lot sizes to suit a variety of dwelling and household types.
Consistent
Consistency with the objective has been achieved as the proposal will provide a range and mix of lot sizes to suit a variety of dwelling and household types.
A1 Subdivision is for 10 lots or less.
Relies on Performance Criteria
As the subdivision will exceed 10 lots, reliance on the performance criteria is required.
P1 Subdivision provides a range and mix of lot sizes suitable for the development of a variety of dwelling and household types, having regard to: <ul style="list-style-type: none"> (a) lot sizes suitable for single dwellings, multiple dwellings and other forms of residential use; (b) the topography of the site; (c) demand for a variety of housing types; (d) the proximity of activity centres; (e) the proximity and access to public open space; (f) the proximity, availability and accessibility of pedestrian, cycling, and bus stops and public transport, routes; and (g) the character of the surrounding area.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Complies
<p>The proposal is for a range of lots for residential development. The majority of lots range from 600m² to 800m². However, 18 lots will have an area less than 600m² and 18 lots greater than 1,500m². This will allow for a mixture of residential types including single dwellings and multiple dwellings. As the land is generally flat, the layout has been designed to allow easy access and the ability for lots to be developed easily and without constraint.</p> <p>The nearest activity centre to the site is the Kings Meadows retail and commercial area, which is located 1.5km to the north. The proposed subdivision will provide for consolidation of a residential area surrounding the activity centre. As previously mentioned the development will also include public open space that will be easily available to new residences. This will be able to be accessed through new road and pedestrian links.</p> <p>The proposal complies with the performance criteria.</p>

10.4.22 Solar orientation of lots

<p>Objective: To provide for solar orientation of lots and solar access for future dwellings.</p>
Not Applicable
As no new lots are proposed with an area of less than 500m ² this clause is not applicable.

10.4.23 Neighbourhood road network

<p>Objective: To provide for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.</p>
Consistent
Consistency with the objective has been achieved as the proposal provides for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.
A1 Subdivision does not create any new road.
Relies on Performance Criteria
As new roads are proposed reliance on the performance criteria is sought.
<p>P1 The road network provides for convenient and safe movement for motor vehicles, pedestrians, cyclists and public transport, having regard to:</p> <ul style="list-style-type: none"> (a) the existing network of roads, cycle paths and bicycle lanes, shared paths, footpaths and public transport routes; (b) the function of the road and its relationship to arterial and neighbourhood road types; (c) the speed limits on roads in the area; (d) the location of activity centres; (e) the volume of traffic in the area;

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

(f) access for service and emergency vehicles; and (g) the topography of the site.
Complies
The subdivision has been designed to include two loop roads as well as three cul-de-sacs. The loop road will have two connections into Raglan Street which will allow access onto the Kings Meadows Link Road and Victoria Street and further on Hobart Road. The design will also allow connectivity to the approved Dundas Street subdivision. This will allow full connectivity to surrounding suburbs and activity centres, as well as public transport.
The access roads within the surrounding residential area are subject to the default 50km/h speed limit. Kings Meadows Link Road has an 80km/h limit and Hobart road 60km/h. Similar to surrounding residential suburbs the subdivision will maintain convenient and safe access to greater arterial roads.
As previously discussed the Kings Meadows retail and commercial area is located approximately 1.5km north of the subject site, resulting in easy access for retail and commercial requirements.
The applicant has provided a Traffic Impact Assessment which has provided information of the existing volume of traffic and the proposed volume based on the number of lots proposed and proposed access routes. The report concluded that the subdivision is capable of accommodating the anticipated traffic volumes, including emergency vehicle access. The proposal therefore complies with the performance criteria.

10.4.24 Public transport network

Objective: To provide for access to public transport.
Consistent
Consistency with the objective has been achieved as the proposal allows for access to public transport.
A1 Subdivision does not create any new road.
Relies on Performance Criteria
As new roads are proposed reliance on the performance criteria is sought.
P1 The subdivision provides for adequate access to public transport, having regard to: (a) the number of lots proposed; (b) the walking distances from the lots to public transport route; (c) any public transport strategy or plan for the area; and (d) the likelihood of the provision of public transport for the area.
Complies
The subdivision is for 216 new residential lots of varying sizes and shapes. The closest public transport route is located approximately 1km north along Hobart Road, with no public transport plan has been identified at this stage. However, due to the layout of the

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

subdivision, including a loop road and easy access to arterial roads, there is potential that public transport could expand into the subdivision if required. The proposal therefore complies with the performance criteria.

E1.0 Bushfire-Prone Areas Code

E1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

Consistent

Consistency with the code purpose has been achieved as the proposal ensures that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

E1.6 Development Standards

E1.6.1 Subdivision: Provision of hazard management areas

Subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;
- (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
- (c) provide protection for lots at any stage of a staged subdivision.

Consistent

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or
- (b) The proposed plan of subdivision:
 - (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;
 - (ii) shows the building area for each lot;
 - (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and
 - (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots, and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and
- (c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.

Complies

A Bushfire Hazard Management Report, prepared by accredited bushfire practitioner Scott Livingston (BFP-105) and signed on 1 November 2018 was submitted as part of the application documents. The report states that the bushfire attack level (BAL) is 19 for all lots, complying with A1(B).

E1.6.2 Subdivision: Public and fire-fighting access

Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

Consistent

A1

- (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or
- (b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:
 - (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and
 - (ii) is certified by the TFS or an accredited person.

Complies

A Bushfire Hazard Management Report, prepared by accredited bushfire practitioner Scott Livingston (BFP-105) and signed on 1 November 2018 was submitted as part of the application documents. The report states that access complies with Tables E1, E2, and E3, complying with A1(B).

E1.6.3 Subdivision: Provision of water supply for fire-fighting purposes

Adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.

Consistent

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

<p>A1 In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes; (b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or (c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.
<p>Complies</p>
<p>A Bushfire Hazard Management Report, prepared by accredited bushfire practitioner Scott Livingston (BFP-105) and signed on 1 November 2018 was submitted as part of the application documents. The report states that the water supply is consistent with the objective, complying with A1(C).</p>

E2.0 Potentially Contaminated Land Code

<p>E2.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.
<p>Consistent</p>
<p>A preliminary site investigation, prepared by Environmental Service & Design, dated 30 October 2018 was submitted as part of the application. The report concluded that the site does not present a risk to potential receptors identified. As such the code is not applicable under clause E2.4.3.</p>

E4.0 Road and Railway Assets Code

<p>E4.1 The purpose of this provision is to:</p> <ul style="list-style-type: none"> (a) protect the safety and efficiency of the road and railway networks; and (b) reduce conflicts between sensitive uses and major roads and the rail network.
<p>Consistent</p>
<p>Consistency with the code purpose has been achieved as the proposal ensures the safety and efficiency of the road is maintained.</p>

E4.5 Use Standards

E4.5.1 Existing road accesses and junctions

<p>Objective:</p> <p>To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.</p>
<p>Consistent</p>
<p>Consistency with the objective has been achieved as the proposal ensures the safety and efficiency of the road is maintained.</p>
<p>A3 The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or</p>

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.
Relies on Performance Criteria
The proposal will result in the increase in traffic to Raglan Street to increase by more than 40 vehicle movements per day. As such reliance on the performance criteria is sought.
<p>P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.
Complies
<p>The applicant provided a Traffic Impact Assessment to help address the relevant criteria within the scheme.</p> <p>The report indicates that the surrounding road network, including the Kings Meadows Link, Raglan Street and Victoria Street, is capable of accommodating the anticipated traffic volumes associated with the proposed subdivision. It is anticipated that 90% of vehicle traffic associated with the subdivision will utilise Kings Meadows Link rather than Victoria Street to access Hobart Road or the Midland Highway. The Kings Meadows Link is subject to an 80km/hr speed limit and access from the proposed subdivision onto the road will be controlled by an existing roundabout constructed for that purpose in 2011.</p> <p>The TIA identifies that the T intersection which will be formed on Raglan Street approximately 70m south-east of the Kings Meadows Link roundabout will be potentially subject to delay for exiting traffic during the morning peak hour and entering traffic during the evening peak hour. It recommends that Council prepares an appropriate traffic management strategy for implementation during development of the land encompassed by the SAP. It further recommends that the traffic management strategy should define the type of intersection required at the T-intersection in the westernmost section of Raglan Street. As such the proposal complies with the performance criteria.</p>

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

E4.6 Development Standards

E4.6.1 Development adjacent to roads and railways

Objective:

To ensure that development adjacent to category 1 or category 2 roads or the rail network:

- (a) ensures the safe and efficient operation of roads and the rail network;
- (b) allows for future road and rail widening, realignment and upgrading; and
- (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.

Consistent

Consistency with the objective has been achieved as the proposal ensures that the development will not affect the safety and efficiency of the adjoining Midland Highway.

A1.1 Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:

- (a) new buildings;
- (b) other road or earth works; and
- (c) building envelopes on new lots.

A1.2 Buildings must be:

- (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or
- (b) an extension which extends no closer than:
 - (i) the existing building; or
 - (ii) an immediately adjacent building.

Relies on Performance Criteria

As 19 lots adjoin the Midland Highway (Category 1 road), reliance on the performance criteria is sought.

P1 The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:

- (a) the proposed setback;
- (b) the existing setback of buildings on the site;
- (c) the frequency of use of the rail network;
- (d) the speed limit and traffic volume of the road;
- (e) any noise, vibration, light and air emissions from the rail network or road;
- (f) the nature of the road;
- (g) the nature of the development;
- (h) the need for the development;
- (i) any traffic impact assessment;
- (j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and
- (k) any written advice received from the rail or road authority.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Complies

The Bushfire Hazard Management Plan ('BHMP') which accompanies the application provides for the retention of a 20m wide vegetation screen along the rear of Lot 19 to Lot 38. The Scheme requires a BAL 19 to be achieved, which requires a minimum setback of 15m from the vegetation screen. Therefore, in accordance with the BHMP, habitable buildings within the relevant lots would be setback at least 35m from the Midland Highway. Further, the highway pavement is setback approximately 15m from the road reservation boundary which adjoins the site, which enables a 50m separate distance to future habitable buildings within Lot 19 to Lot 38.

The applicant also provided a Noise Assessment as part of a response to further information. The report concluded that:

'...the most practical mitigation option is considered here to be the use of building treatments to maintain suitable internal noise environments... each house design would be assessed by a suitably qualified Acoustic Engineer following the processes of AS3671-1989...'

It continued:

'The above approach doesn't consider outdoor living environments and Tarkarri Engineering recommends that this is considered in any house design. Noise levels at the 35 m set back have the potential to cause considerable annoyance in an outdoor living space. Use of the residential construction as a barrier, ie. outdoor living spaces located to the front or northern side of any residential building, would likely provide significant attenuation of road traffic noise'

From the information provided, lots 19 - 38 will be required to have a minimum setback from the Midland Highway boundary of 35m. In order to further ensure each lot is not unreasonably impacted by the road, future development on these lots will be required to maintain the recommendations set out within the bushfire and acoustic reports.

As such, a condition implementing a Part 5 agreement is recommended as part of this assessment.

The application was also referred to the Department of State Growth for comment who requested further information on the potential impact these lots will incur being located on the boundary of the Midland Highway.

On 28 April 2019 the Department provided conditional approval of the application. These conditions have been included within the recommendations.

E4.6.4 Sight distance at accesses, junctions and level crossings

Objective:

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Consistent
A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.
Complies
The proposed road loop within the subdivision will provide for a connection with 2 construction sections of Raglan Street. The TIA indicates that Raglan Street is a straight road over level ground and has sight distance for its full length. The available sight distance is therefore able to comply with the requirements of Table E4.6.4, and is compliant with the performance criteria.

E6.0 Parking and Sustainable Transport Code

E6.1 The purpose of this provision is to: (a) ensure that an appropriate level of parking facilities are provided to service use and development; (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas; (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate; (d) ensure that parking does not adversely impact on the amenity of a locality; (e) ensure that parking spaces and accesses meet appropriate standards; and (f) provide for the implementation of parking precinct plans.
Not Applicable
Whilst the code applies to all use and development, no physical construction of buildings or car parking spaces is proposed. Any future development will be required to address the code to ensure adequate and safe parking is available, however for the purpose of this application the code is not applicable.

E7.0 Scenic Management Code

E7.1 The purpose of this provision is to: (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and (c) ensure that vegetation is managed for its contribution to the scenic landscape.
Consistent
Consistency with the code purpose has been achieved as the proposal ensures the visual amenity of the locality is maintained.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

E7.6.1 Scenic road corridor

Objective:

To ensure the visual amenity of the scenic road corridors is managed through appropriate siting and design of development, including subdivision, to provide for views that are significant to the traveller experience and avoid obtrusive visual impacts on skylines, ridge lines and prominent locations.

Consistent

A2 Subdivision must not alter any boundaries within the scenic road corridor.

Relies on Performance Criteria

The proposed subdivision will not alter the road boundary to the Midland Highway. However lots 20-37 will be created that run adjacent to the highway. This can be considered a boundary alteration and as such reliance on the performance criteria is sought.

P2 Subdivision that alters any boundaries within the scenic road corridor must have regard to:

- (a) the size, shape and orientation of the lot;
- (b) the density of potential development on lots created;
- (c) the need for the clearance or retention of vegetation;
- (d) the requirements for any hazard management;
- (e) the need for infrastructure services;
- (f) the extent of works required for roads or to gain access to sites, including cut and fill;
- (g) the specific requirements of the subdivision;
- (h) the physical characteristics of the site and locality;
- (i) the pattern of development in the surrounding area; and
- (j) the scenic qualities of the site.

Complies

There will be the creation of 18 new lots running parallel to the Midland Highway. All lots are rectangular to nature and over 1,000m², with the smallest being 1,000m² and the largest 2,077m². Due to their proximity to the highway and through the support of a bushfire and noise report, development opportunities on the site will be limited. In particular they will be required to be setback 35m from the Midland Highway road frontage and maintain the tree line along the Midland highway Boundary. By implementing building restrictions, as well as the vegetation retention, it is considered that the visual amenity of the road corridor will be retained, complying with the performance criteria.

E7.6.2 Scenic management areas

Objective:

The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.

Consistent

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Consistency with the objective has been achieved as the proposal ensures the siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.
A1 No acceptable solution.
Relies on Performance Criteria
<p>P1 Development (not including development that involves only the clearance or removal of vegetation, or subdivision) must have regard to:</p> <ul style="list-style-type: none"> (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; (b) the impact on skylines, ridgelines and prominent locations; (c) the nature and extent of existing development on the site; (d) the retention or establishment of vegetation to provide screening; (e) the need to clear existing vegetation; (f) the requirements for any hazard management; (g) the need for infrastructure services; (h) the specific requirements of the development; (i) the location of development to facilitate the retention of trees; and (j) design treatment of development, including: <ul style="list-style-type: none"> (i) the bulk and form of buildings including materials and finishes; (ii) any earthworks for cut or fill; (iii) the physical (built or natural) characteristics of the site or area; (iv) the nature and character of the existing development; and (v) the retention of trees.
Complies
The site is located within the local scenic management area - western hillside precinct. Whilst technically development, subdivision provisions are better outlined and discussed under Performance Criteria P3. As no further development is proposed, it is considered acceptable to consider P3.
A2 No vegetation is to be removed.
Relies on Performance Criteria
As vegetation is proposed to be removed reliance on the performance criteria is sought.
<p>P2 Development that involves only the clearance or removal of vegetation must have regard to:</p> <ul style="list-style-type: none"> (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; (b) the physical characteristics of the site; (c) the location of existing buildings; (d) the type and condition of the existing vegetation; (e) any proposed revegetation; and (f) the options for management of the vegetation.
Complies
The development does not involve the clearance or removal of vegetation. Any vegetation removal is further discussed under P3 to this clause.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

A3 Subdivision is in accordance with a specific area plan.
Relies on Performance Criteria
As the subdivision is not in accordance with the specific area plan, reliance on the performance criteria is sought.
<p>P3 Subdivision must have regard to:</p> <ul style="list-style-type: none"> (a) the scenic management precinct existing character statement and management objectives in clause E7.6.3; (b) the size, shape and orientation of the lot; (c) the density of potential development on lots created; (d) the need for the clearance or retention of vegetation; (e) the need to retain existing vegetation; (f) the requirements for any hazard management; (g) the need for infrastructure services; (h) the specific requirements of the subdivision; (i) the extent of works required for roads or to gain access to sites, including any cut and fill; (j) the physical characteristics of the site and locality; (k) the existing landscape character; (l) the scenic qualities of the site; and (m) any agreement under section 71 of the Act affecting the land.
Complies
<p>The relevant management objective for the Western Hillside Precinct in Clause E7.6.3.3 in the Scheme states that:</p> <p><i>Subdivisions are to address bushfire safety and vegetation management requirements to achieve visually unobtrusive development with sufficient vegetation coverage to retain the Precinct's character, or allow for the replacement vegetation to meet the character of the Precinct.</i></p> <p>The bushfire safety requirements relevant to the subdivision and future dwelling development will require the land within the site, including in proximity of any relevant stages of the subdivision, to be managed as low threat vegetation. However, it is proposed to retain the existing vegetation screen along the Midland Highway. The certified Bushfire Hazard Management Plan (BHMP) which accompanies the application identifies BAL ratings for the lots surrounding the screen that necessitate additional construction requirements that will apply to future dwellings. These provide for the retention of the screen. The certified BHMP also includes stipulations relevant to plantings within the drainage reserve adjacent to the Kings Meadows Link.</p> <p>The proposed subdivision will also involve the replacement of the vegetation screening within the lots fronting the Kings Meadows Link. The screen is intended to be consistent with the similar plantings that will be provided at the rear of Lots 33 to 38 within the approved subdivision at 5 Dundas Street.</p>

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

The retention of the vegetation screen along the Midland Highway frontage, and modification of the screen along the Kings Meadows Link, will mitigate the visual impact of residential development within the site when viewed from these areas. The proposed subdivision is therefore consistent with the relevant management objective for the Western Hillside Precinct.

The subdivision otherwise will provide for medium density residential development within a site that has already been broadly identified for this type under the terms of the Raglan Street Specific Area Plan.

It has therefore been considered the scenic value of the area is able to be retained through the subdivision of the land, and as such complies with the performance criteria.

E8.0 Biodiversity Code

E8.1 The purpose of this provision is to:

- (a) support the conservation of biodiversity in the planning scheme area and the northern region, including the extent, condition and connectivity of important habitats and priority vegetation communities, and the number and status of threatened species; and
- (b) consider and manage the impact of use or development on biodiversity through:
 - (i) minimisation of vegetation and habitat loss or degradation; and
 - (ii) appropriate location of development.

Consistent

Consistency with the code purpose has been achieved as the proposal ensures the biodiversity of the site is maintained.

E8.6 Development Standards

E8.6.1 Habitat and vegetation management

Objective:

To appropriately protect or manage vegetation identified as priority habitat and priority vegetation communities.

Consistent

Whilst the site does not have any priority habitat overlay, the site has been identified as potentially having threatened vegetation. As such the applicant provided a Natural Values Assessment. The report concluded:

The NVA identifies that the potential habitat vegetation within the site is of low quality and has a low to very low likelihood of being utilised. The dams and watercourses within the site are sub optimal for the green and gold frog. This species was not detected during surveys undertaken by NBES in 2011 and 2018.

The site has been mostly cleared of native vegetation and is dominated by non-native species. The vegetation within the site comprises a combination of agricultural land (FAG) and urban areas (FUR). The dams do not constitute a 'wetland' vegetation community, as listed under the Nature Conservation Act 2002, and have been mapped

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

within the water (OAQ) mapping unit. The watercourses have been included in the FAG mapping unit.

The two threatened flora species identified in the NVA occur in the vicinity of the dams and watercourses. However, they occur in low numbers and the habitat is not considered important for these species. A 'permit to take' these species will be required from the Policy and Conservation Advice Branch of DPIPWE in accordance with the Threatened Species Protection Act 1995, however this is an approval process that is separate from the current planning application.

Given that there is no threatened vegetation or important habitat for threatened species within the site, the proposal will not have a significant impact on any priority native vegetation communities. Additionally, the site is not identified on the Launceston Interim Planning Scheme 2015 ('Scheme') overlay maps as containing any areas of priority habitat. The provisions of the Biodiversity Code, including Clause E8.6.1 'Habitat and vegetation management', therefore do not apply to the proposal in accordance with Clause E8.2.1 of the Scheme.

Council's Natural Environment Department reviewed the report and provided the following advice:

*The Natural Values Assessment for the proposal was undertaken by North Barker Ecosystems Services and identified the presence of three threatened species on the site - the eastern barred-bandicoot (*Perameles gunnii gunnii*, listed as vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)), and two riparian flora: *Bolboschoenus caldwellii* and *Juncus amabilis*, both listed as rare under the Tasmanian Threatened Species Protection Act 1995 (TSP Act). Were it not for the exemption under E8.4.1 (b) of the Biodiversity Code in the Launceston Interim Planning Scheme, the Biodiversity Code would, and should, apply to this site, given that the purpose of this Code is to "(a) support the conservation of biodiversity in the planning scheme area and the northern region, including the extent, condition and connectivity of important habitats and priority vegetation communities, and the number and status of threatened species". The Code defines priority vegetation communities as "threatened vegetation and important habitat for threatened species that are listed under the TSP Act 1995 or the EPBC Act 1999 (Cwth)".*

The two threatened flora species currently known to occur at this site will be removed from the site by the proposed Rivulet realignment works. A permit to take will be required in order to comply with the TSP Act 1995. However, if the Rivulet were to remain in its current location, no permit would be required. Alternatively, if the drainage reserve were widened so as to provide an acceptable riparian buffer and also a maintainable access strip, habitat would be present for the species to be re-established. A common mitigation option is to remove the existing plants prior to the commencement of works (under a permit to take), keep them in a nursery during the construction phase

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

and then replanting them in the realigned rivulet as part of the landscaping works. This would be relatively inexpensive and would prevent the loss of these threatened species at the site.

A wider drainage reserve with riparian vegetation would provide habitat and connectivity for the eastern barred bandicoot, a threatened mammal species known to occur at the site. This corridor would provide habitat for a number of native species known and/or likely to occur in the area.

*A preferred outcome would be to remove lots 12, 13 and 15- 20 and create a wider drainage reserve for the entire length of the Kings Meadows Rivulet running through the site. Providing road frontage to the full length of the Rivulet through the subdivision would also assist in fire hazard and other maintenance activities and provide the ability to plant trees and shrubs such as *Melaleuca ericifolia* as recommended in the Natural Values Assessment by North Barker to mitigate impacts and comply with E9.6.1P1 and 9.6.2P2.*

It is recommended that the permit be conditioned to require a Construction Environmental Management Plan (CEMP), a detailed landscaping plan, detailed plans for the Water Sensitive Urban Design elements proposed for the treatment of stormwater before entering the rivulet. Amended plans showing the removal of lots 12, 13 and 15-20 to allow for a substantially wider drainage reserve and associated maintenance are requested.

Conditions have been imposed regarding the CEMP plan, landscaping plan, and WSUD elements. As discussed under Clause 10.4.17, it has also been recommended lots 13, and 15-20 be removed. Lot 12 was considered acceptable.

It has been considered that the natural values assessment provided, undertaken by qualified professionals, supports the subdivision and ensures the impact on biodiversity is minimal.

As such, the code is exempt under E8.4.1 (b).

E9.0 Water Quality Code

E9.1 The purpose of this provision is to:

(a) manage adverse impacts on wetlands and watercourses.

Consistent

Consistency with the code purpose has been achieved as the proposal ensures any adverse impacts on wetlands and watercourses are managed.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

E9.6 Development Standards

E9.6.1 Development in the vicinity of a watercourses and wetlands

Objective:

To protect watercourses and wetlands from the effects of development and minimise the potential for water quality degradation.

Consistent

Consistency with the objective has been achieved as the proposal ensures all watercourses and wetlands are protected.

A1 No acceptable solutions.

Relies on Performance Criteria

P1 Development must not unreasonably impact the water quality of watercourses or wetlands, having regard to:

- (a) the topography of the site;
- (b) the potential for erosion;
- (c) the potential for siltation and sedimentation;
- (d) the risk of flood;
- (e) the impact of the removal of vegetation on hydrology;
- (f) the natural values of the vegetation and the land;
- (g) the scale of the development;
- (h) the method of works, including vegetation removal, and the machinery used;
- (i) any measures to mitigate impacts;
- (j) any remediation measures proposed;
- (k) any soil and water management plan; and
- (l) the requirements of the Department of Primary Industries, Parks, Water and Environment Wetlands and Waterways Works Manual.

Complies

An assessment against the performance criteria follow:

(a) The topography of the site

The site has an uneven topography. It is proposed to divert channels maintain a similar grade to the existing channels and provide for larger waterway areas in the event of a flood.

(b) The potential for erosion

The shaping of the new channel and the reinstatement of both the channel and the adjoining flood plain is such that flow velocities are less than the current channel shape and that vegetation can be maintained along the drainage path. The soil types along the channel are predominately clays that are not readily erodible, reducing the potential for erosion.

(c) The potential for siltation and sedimentation

The gradient of the existing channels are to be retained and full reinstatement of the disturbed surfaces forming the channel will reduce the risk of erosion and subsequent sedimentation downstream. A full soil and water management plan will be required for the construction project, which has been reflected as a condition of approval.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

(d) The risk of flood

The flood risk to the watercourse does not change as a result of the proposed development. The large upstream catchments are the dominate factors for the flows within the Rivulet.

(e) The impact of the removal of vegetation and hydrology

The development will retain the existing vegetation along the drainage path wherever possible and will include a comprehensive landscaping plan for the realigned sections of the watercourses. The areas of land within 30m of the final watercourses, where either road pavements or residential buildings are to be built, are a very minor proportion of the overall catchment at some 0.8 Ha of land within a total catchment of 489Ha and the resulting effect on hydrology is accordingly minor.

(f) The natural values of the vegetation and the land

While some native flora and fauna species will be impacted by the development, this is largely confined to wide ranging species and the impact is not considered significant. Two threatened species in the vicinity of the dams and Kings Meadow Rivulet (*Juncus amabilis* and *Bolboschoenus caldwellii*) will be affected. However, the impact to these species is low given the small number of plants affected (< 40 of each species), and that they occur broadly in the region, and may establish in the re-aligned watercourses. Accordingly, the impact to the natural values is not considered unreasonable, and the development is therefore compliant for this criterion.

(g) The scale of the development

The scale of the development is minor compared to the overall catchment and will provide the realigned channels with drainage reserves that have a minimum width of 15m for the southern catchment and 17m for the northern catchment.

(h) The method of works, including vegetation removal, and machinery used

The realigned channels can be excavated and revegetated whilst retaining the original rural channels until complete. This will minimize the risk of the erosion of disturbed surfaces. Excavation equipment will be utilised, ensuring care is taken to offer minimal disturbance to the land.

(i) Any measures to mitigate impacts

Comprehensive or large-scale mitigation measures are not considered necessary as the dams and watercourses are of low ecological significance due the dominance of non-native species. However, it is understood that vegetation will be planted along the realigned rivulet. Efforts to plant native species (*Melaleuca ericifolia* in particular) and keep out invasive species will mitigate the impact of this development. These measures will ensure the development is compliant against the performance criteria.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

(j) Any remediation measures proposed

A complete landscaping plan will be required for the realigned channels. This plan is to include details of the surfacing of the main channel, the regressing of the flood plain and the planting of suitable native vegetation within the flood plain.

(k) Any soil and water management plan

A soil and water management plan will be required for the construction of the realigned channels and for the residential subdivision works

(l) The requirements of the Department of Primary Industries, Parks, Water and Environment Wetlands and Waterways Works Manual

The works, the remediation methodology and the soil and water management plan shall consider the recommendations contained within the publications "Environmental Best Practice Guidelines 2 - Construction practices in waterways and wetlands" and "Environmental Best Practice Guidelines 3 - Excavating in Waterways".

E9.6.2 Development of watercourses and wetlands

Objective:

To protect watercourses and wetlands from the effects of development and minimise water quality degradation.

Consistent

A1 A wetland must not be altered, modified, filled, drained, piped or channelled.

Complies

A wetland which is defined in the Scheme as:

"...a depression in the land, or an area of poor drainage, that holds water derived from ground water and surface water runoff and supports plants adapted to partial or full inundation and includes an artificial wetland"

Under this definition, the two dams and the Kings Meadow Rivulet may be considered wetlands, however this is inconsistent with the definitions of wetlands used in TASVEG and with respect to the community listed under the NCA24. However, given the dominance of non-native species these are not considered native wetland communities, and are therefore not a threatened wetland community.

The provided Natural Values Assessment provided further comment, stating:

'The NVA identifies that the dams do not constitute a 'wetland' vegetation community, as listed under the Nature Conservation Act 2002. It provides an assessment of the requirements in the Clause E9.6.1 'Development in the vicinity of watercourses and wetlands' - Performance Criteria P1 and Clause E9.6.2 Development of watercourses and wetlands' - Performance Criteria P2. This supplements the assessment of these standards included in the planning submission which accompanies the application.'

As such, it can be considered that the infill of the dams are not considered wetlands and the proposal complies with the acceptable solution.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

A2 A pipe or culvert crossing of a watercourse for access purposes.
Complies
The realigned watercourses are not to have either a pipe or culvert crossing for access purposes in the proposed development. The proposed drainage reserves will adjoin the Midlands Highway and the Kings Meadows Link road reservations and will not require any crossings.

E9.6.3 Discharges to watercourses and wetlands

Objective: To manage discharges to watercourses and wetlands so as not unreasonably impact the water quality.
Consistent
A1 All stormwater discharge must be: (a) connected to the public stormwater system; or (b) diverted to an on-site system that contains stormwater within the site.
Complies
<p>All stormwater is able to be connected into a reticulated system. The proposal includes a vegetated stormwater pre-treatment area associated to the two points into the relocated stormwater channel along the northwest boundary of the site. Furthermore, the application was referred to Council's Infrastructure Department, who provided the following comments:</p> <p><i>The development site straddles two stormwater catchments. Approximately 14ha of the site drains into the Kings Meadows Rivulet with the remaining 9ha draining to Jingle Creek via Glenara Lakes. The existing waterway through the development site serves two sub-catchments of the overall catchment. The northern sub-catchment flows through Kate Reed Reserve and drains parts of Prospect. This catchment is approximately 282ha in size and includes 56ha of urban development, 70ha of woodland reserve and 158ha of rural land used predominately for grazing. The southern sub-catchment is approximately 198 Ha in size and is mostly partially cleared farming land.</i></p> <p><i>The flow from these two sub-catchments combine near Lot 15. The waterway below this point lies parallel to a new road before turning near Lot 13 and connecting to the existing culvert under the Kings Meadows Connector. Lot 13 is shown 3m from the waterway on the outside of a 90 bend. This location is likely to be effected by erosion and the space available does not allow access to this section of the reserve for maintenance purposes. Lot 13 should be deleted because of the risk of erosion of the waterway embankment. The stormwater outlets from the subdivision that connect to Kings Meadows Rivulet include water sensitive urban design (WSUD) erosion protection and point source pollution control measures. Condition required to require the design and detailing of these measures.</i></p> <p>Whilst complying with the acceptable solution, based on the above advice it is recommended that Lot 13 be deleted and detailed stormwater design be provided.</p>

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

A2.1 No new point source pollution discharging directly into a watercourse or wetland.
A2.2 For existing point source pollution discharges into a watercourse or wetland, there is no more than a 10% increase in the volume or characteristics of the discharge that existed at the effective date.

Complies

The allocation was referred to Council's Natural Environment Department for comment, who provided the following comments:

Stormwater is known to be polluting, and the pollutants can be measured in stormwater. The Code defines "point source pollution" as "the pollution which is emitted at a discrete, identifiable location, usually via a discharge pipe or outfall, and which can be readily measured". The application of the principles of Water Sensitive Urban Design within an adequately vegetated drainage reserve would assist with the mitigation of stormwater pollution impacts. Detail drawings of the proposed WSUD features are to be provided in amended plans.

A condition has been recommended based on the above information, requiring WSUD design to be provided.

E10.0 Open Space Code

E10.1 The purpose of this provision is to:

- (a) Ensure that the location and area of land required for public open space in subdivisions meets the reasonable ongoing needs of the community.

Consistent

Consistency with the code purpose has been achieved as the proposal ensures that the location and area of land required for public open space in subdivisions meets the reasonable ongoing needs of the community.

E10.6 Development Standards

Objective:

To:

- (a) ensure that the location and area of land required for public open space meet the reasonable ongoing needs of the community; and
- (b) provide public open space which meets user requirements for outdoor recreational and social activities.

Consistent

Consistency with the objective has been achieved as the proposal ensures that the location and area of land required for public open space meet the reasonable ongoing needs of the community.

A1 No acceptable solution.

Relies on Performance Criteria

P1 The location, area and characteristics of public open space must meet the reasonable needs of the community, having regard to:

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

- (a) the physical characteristics of the land;
- (b) the needs of people with disabilities;
- (c) the range of recreational facilities in the surrounding area;
- (d) the existing public open space in the surrounding area and its relationship to any proposed public open space;
- (e) connectivity for pedestrians and cyclists;
- (f) the ability of the community to access the land;
- (g) any limitations imposed by services and utilities;
- (h) any drainage requirements, or the existence of wetlands;
- (i) public health and safety;
- (j) the likely cost of maintenance; and
- (k) the relationship and alignment with adjoining land uses, including fencing and landscaping.

Complies

The application was internally referred to Council's Natural Environment Department for comment surrounding the contribution of public open space. Their comments are as follow:

The proposed 216 lot subdivision identifies POS contribution of 1,590m² of land adjacent to approximately 1,234m² already in Council ownership and 1,516m² POS being providing by the adjacent 52 subdivision 52 lots to the east. The area of 1,590m² includes a section of road with private rights of way over it. This raises the questions about the quantity of public open space provided by the subdivision and in any case, the balance of public open space contribution will need to be paid either in financial contribution or embellishments in the park.

The proposed park will be around 3,500m² in total, which will provide ample space to develop a local park. This area is also centrally located and relatively flat. The park only has two road frontages and will have four neighbours. Council will need to periodically contribute to the replacement boundary fencing and will need to ensure trees and shrubs are not planted to overhang the property boundary and maintain a 2m clear access along the fences. The site is covered with weeds (hawthorn, gorse, Spanish heath, slender thistle, blackberry and willow; Paterson's curse was found in the adjacent road reserve) and there are overhead power poles. The POS and any drainage reserves will need to be protected from adjacent development. Council land and future POS are used by builders for storage and disposal of fill. This will need to be conditioned. All land handed over to Council is to be in a weed free state, fenced and appropriately bollarded. Gates for private access are not permitted and fencing needs to be panels and palings on the POS side. Services are to be minimised through the public open space. The weed measures recommended in the North Barker Report are to be adopted. Treatment should commence immediately and a number of treatments should occur before the land is handed over. For example, gorse seed has a thirty year lifespan. For some weeds, for example Spanish heath, there are legal restrictions about removing soil from the property.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Accordingly, whilst some public open space has been provided, it will still be necessary to seek some payment in lieu, which has been recommended as a condition of approval.

E19.0 Development Plan Code

E19.1 The purpose of this provision is to:

- (a) identify areas of significant development potential or strategic importance, that require a co-ordinated approach to future development.

Consistent

E19.3 Development Standards

E19.3.1 Co-ordination of subdivision

Objective:

To ensure that subdivision of land is co-ordinated with adjoining land, appropriately staged and provided with infrastructure appropriately sized to ensure orderly development within the Development Plan Code (DPC) area.

Consistent

Consistency with the objective has been achieved as the proposal ensures that subdivision of land is co-ordinated with adjoining land, appropriately staged and provided with infrastructure appropriately sized to ensure orderly development within the Development Plan Code (DPC) area.

A1 No acceptable solution.

Relies on Performance Criteria

P1 Subdivision layout is designed and developed having regard to:

- (a) co-ordination and integration with development of the site and surrounding land;
- (b) an efficient, convenient pedestrian, bicycle and road network, with sufficient capacity to serve the site and provide for necessary connections to, and the development potential of adjoining land and the need to provide for public transport;
- (c) the need to provide for public transport;
- (d) provision of reticulated sewerage, water and stormwater systems to serve the site and provide for all necessary connections to, and the development potential of adjoining land;
- (e) staging to allow a co-ordinated approach to development of the site, so as not to prejudice the timely and co-ordinated development of adjoining land within the Development Plan Code (DPC) area.

Complies

The subdivision design is a response to the subject site and surrounding development. In particular, the adjoining property to the north has been approved for a 52 lot subdivision. The design has taken into account this adjoining approval. The design has allowed for safe and effective pedestrian and bicycle permeability and is within proximity to public transport. All lots will be able to be connected to reticulated services, and the staging of the proposal will allow for a timely development. The proposal therefore complies with the performance criteria.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

F3.0 Raglan Street Specific Area Plan

The purpose of this specific area plan is to:

- (a) provide for co-ordinated subdivision of the properties within the area covered by the specific area plan;
- (b) co-ordinate provisions of infrastructure and roadworks; and
- (c) provide for residential amenity along the Midlands Highway and the Kings Meadows Connector.

Complies

Consistency with the specific area plan has been achieved as the proposal ensures a coordinated approach to subdivision.

F3.3 Development Standards

F3.3.1 Subdivision

Objective:

To ensure subdivision implements the Raglan Street Specific Area Plan.

Consistent

A1 Development for subdivision is substantially in accordance with the lot layout shown on Figure F3.2.1.

Relies on Performance Criteria

As the subdivision layout does not reflect the layout shown in Figure F3.2.1, reliance on the performance criteria is required.

P1 Development for subdivision not in accordance with the Raglan Street Specific Area Plan must be assessed against the provisions for subdivision in the General Residential zone.

Complies

The proposal has been assessed in detail against the subdivision provisions within the General Residential Zone.

F3.3.2 Contributions

Objective:

To ensure the owners of property in the Raglan Street Specific Area Plan contribute to infrastructure costs in constructing roadworks along the Raglan Street road reserve and a roundabout at the intersection of Raglan Street and the Kings Meadows Connector.

Consistent

A1 Development for subdivision or multiple dwellings must not be approved until the infrastructure contribution for land shown in the table to this clause is paid as specified. The contribution must be increased by the Launceston City Council Average Interest of Secure Loans Rate, as published in the Annual Report of the Council and applicable calculated from 1 January 2012.

Complies

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

An amendment was issued by the Tasmanian Planning Commission on 11 April 2019. The amendment was against Clause E3.3.2 and the inclusion of A1.2 which reads:

A1.2

Development for subdivision or multiple dwellings must not be approved until Council's General Manager has provided written advice that satisfactory payment arrangements have been entered into with Council for the infrastructure contribution as show in the table to this clause.

The contribution must be increased by the Launceston City Council Average Interest of Secure Loans Rate, as published in the Annual Report of the Council and applicable calculated from 1 January 2012.

The amendment came into effect on 16 April 2019.

At the time of writing, a draft agreement has been circulated to all interested parties, and will be finalised prior to the planning authority's decision of the proposal. This will ensure compliance with the acceptable solution.

4. REFERRALS

REFERRAL	COMMENTS
INTERNAL	
Infrastructure Assets	Conditional consent provided.
Environmental Health	Conditional consent provided.
Heritage/Urban Design	N/A
Building and Plumbing	N/A
EXTERNAL	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA No. 2018/01837-LCC.
State Growth	The Department of State Growth provided conditions and notes on 18 April 2019. These have been included within the recommendations of the report.
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

5. REPRESENTATIONS

Pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*, the application was advertised for a 14 day period from 9 February to 25 February 2019. Three representations were received. The issues raised are summarised in the following table. Whilst the summary attempts to capture the essence of each issue raised it should be read in conjunction with the representations received which are attached to this report

Each representor was contacted representations were received. The issues raised are summarised in the following table to discuss their concerns in greater details.

Issue #1: There will be an increase in traffic along Victoria Street which is the only means on entry and egress to Hobart Road.
Response: <i>Whilst initially there will be an increase in traffic along Victoria Street, once the subdivision is operational with the connection to the Kings Meadows Link Road, traffic will substantially decrease.</i>
Issue #2: It appears that all proposed lots will be accessed via Raglan Street which will mean all traffic will travel up and down Victoria Street.
Response: <i>All lots will be able to be accessed via Raglan Street and the Kings Meadows Link Road. The provided Traffic Impact Assessment has demonstrated that having two entrances into the site will allow traffic congestion to be limited.</i>
Issue #3: There is potential that the houses on the eastern side of Hobart Road will utilise the new access to the Kings Meadows Connector instead of going to the traffic lights.
Response: <i>Whilst there is the possibility that people will utilise the new roads and accesses as a thoroughfare, the supporting TIA has stated that the amount of traffic doing this will be negligible.</i>
Issue #5: From my experience, residents of Kings Meadows/Youngtown prefer to access the CBD and surrounds via Hobart Road rather than the Midlands Highway.
Response: <i>The proposal will offer another route to access the CBD.</i>
Issue #6: Hobart Road is already struggling to cope with traffic flow, particularly at peak times.
Response: <i>The TIA has supported the claim that most traffic will utilise the Kings Meadows Link Road which will reduce traffic to Hobart Road.</i>

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

<p>Issue #8: In order to avoid the traffic snarl on Hobart Road, many motorists are now using residential side streets, particularly west of the Kings Meadows shopping precinct, which may impact pedestrian safety in this area.</p>
<p><i>Response:</i> If cars utilise the subdivision as a through way to the Link Road, there will be safety mechanisms put in place, including roundabouts and speed limits, to reduce any risk to pedestrians.</p>
<p>Issue #9: The proposed concentration of drainage discharge to the Kings Meadows Rivulet will generate increased run-off to the rivulet upstream of the Kings Meadows Link culvert crossing. The Department's Professional Services Specification T8 Drainage Design Standards applies and requires a bridge soffit level flood protection of Q100 for this structure. This protection will need to be maintained and demonstrated through a drainage plan with calculated peak flows and also demonstrate no adverse impact to existing drainage infrastructure. Prior to discharging concentrated drainage on the State Road or commencing works in the state road reservation the consent of the Minister (or delegate) under <i>the Roads and Jetties Act 1935</i> is required.</p>
<p><i>Response:</i> This concern came directly from the Department of State Growth (DSG). A formal response was given and the DSG have since provided advice and conditions.</p>
<p>Issue #10: Although this subdivision proposal includes the large catchments upstream on the western side, it does not consider the runoff collected from table drains on the Midland Highway and Kings Meadows Link Road. The consultant should refer to AS5100.1 Section 11 for waterways and flood design of structures under the roadway and confirm that the additional discharge from the subdivision, the runoff from the roads and the backfill of the dams will not affect the hydraulic capacity of the box culvert structure. Drawings for the structure can be provided to the proponent on request. Furthermore, it is expected that the consultant should also assess for backwater effects from the dam downstream of the culvert as a result of proposed upstream dam removals and changed discharge volume.</p>
<p><i>Response:</i> This concern came directly from the Department of State Growth. A formal response was given and the DSG has since provided advice and conditions.</p>
<p>Issue #11: It is noted that the Planning Report states that it is intended that a noise assessment will be provided to the Department of State Growth prior to determination of the application. State Roads would appreciate the opportunity to review this assessment in order to provide meaningful commentary on the perceived level of land use conflict. Please note that in accordance with the <i>Tasmanian State Road Traffic Noise Management Guidelines 2015</i>, the Department does not mitigate for traffic noise impacts associated with a land use changes, including subdivision.</p>

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

Response:

The noise assessment was sent to the Department of State Growth for review.

Issue #12:

It is unclear how the proposed buffer between the houses and the road provided by the vegetation strips along both the Midland Highway and Kings Meadows Main Road will be protected and the trees retained. State Roads queries whether building envelopes will be required for subdivision approval or conditions of the permit will require the retention of vegetation along these areas.

Response:

This concern came directly from the Department of State Growth. A formal response was given and the DSG has since provided advice and conditions.

6. CONCLUSION

Subject to the recommended conditions, it is considered that the proposal complies with the Scheme and it is appropriate to recommend for approval.

ECONOMIC IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

ENVIRONMENTAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

SOCIAL IMPACT:

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

STRATEGIC DOCUMENT REFERENCE:

Launceston Interim Planning Scheme 2015.

8.1 24 Raglan Street, Youngtown, 77 Victoria Street, Youngtown and 24A Raglan Street, Youngtown - Subdivision - Subdivide One Lot Into 216 Lots ...(Cont'd)

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Locality Map (*distributed electronically*)
 2. Plans to be Endorsed (*distributed electronically*)
 3. TasWater SPAN (*distributed electronically*)
 4. Representations (*distributed electronically*)
-

8.2 Petition to Amend Sealed Plan**FILE NO:** 55510**AUTHOR:** Abby Osborne (Statutory Services Officer)**DIRECTOR:** Leanne Hurst (Director Development Services)

DECISION STATEMENT:

To receive a report from the Special Committee Hearing Meeting held on 4 April 2019.

RECOMMENDATION:

That Council, under section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to the petition to amend covenant 10 on Sealed Plan 143829, rejects the petition to amend covenant 10 to allow Lot 5 to further subdivide or strata title.

REPORT:

Under the provisions of section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, a Special Committee Hearing Meeting was held on 4 April 2019 in relation to a Hearing - Petition to amend Sealed Plan Number 143829 - 61 Belgrave Parade, Youngtown (Attachment 1).

Whilst considering the Petition, the Committee agreed that:

- the covenant was applied to the land at the time of the sealing the final plan of subdivision in 2004 - it is, therefore, neither an old, nor an out-dated covenant;
 - A Section 71 agreement is registered on the title. Its intent is to preserve vegetation on the site;
 - all intending purchasers who have become the relevant land owners were aware, or had the opportunity to be aware, of the lot shapes and configurations, and the existence of the restrictive covenant to the effect that the lots could not be further subdivided or strata titled. This appears to have been a deciding factor in purchasing the properties for all parties and in them building dwellings in the chosen locations;
 - if the covenant is removed, then the general amenity of the area will be affected;
 - if the covenant is removed this could set a precedent for future applications in the area of the Sealed Plan; and
 - the necessary location of a future dwelling to be clear of the sewer main which is across the centre of the site would further impact the amenity of adjoining properties
-

8.2 Petition to Amend Sealed Plan ...(Cont'd)

The Committee, therefore recommends that the covenant remain in place and a recommendation be forwarded to Council for decision.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goals - To ensure decisions are made in a transparent and accountable way
Key Direction -
3. To ensure decisions are made on the basis of accurate and relevant information

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Leanne Hurst: Director Development Services

ATTACHMENTS:

1. Petition to Amend Sealed Plan 143829
-

Attachment 1 - Petition to Amend Sealed Plan 143829



SPROAL & ASSOCIATES

Property Lawyers

6 December 2018

The Manager
Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Dear Sirs,

RE: KASEY ATHERTON - SUBDIVISION
PROPERTY: 61 BELGRAVE PARADE, YOUNGTOWN

We act for Kasey Atherton the owner of the property at 61 Belgrave Parade, Youngtown. Our client's property comprises an area of 3601 square metres and is her principal residence. Our client wishes to subdivide her property to create a separate title at the rear of the property in order to construct another dwelling. The schedule of easements for Sealed Plan 143829 includes a covenant which prohibits the subdivision of the lots except Lots 10, 15, 16, 18 and 19, subdivision is permitted.

We **enclose** a Petition to Amend Sealed Plan 143829 together with a Request to Amend Sealed Plan Number 143829. A copy of the petition has been forwarded to all interested persons as listed in the petition.

We await your further advice.

Yours faithfully,
SPROAL & ASSOCIATES

BARRY SPROAL
Email: barry@sproalassociates.com.au
Encl.

FILE No.	55510				
EO		OD	✓	Box	✓
RCV'D 07 DEC 2018 LCC					
Doc No.					
Action Officer			Noted	Replied	
stat tasks					

CONVEYANCING

SUBDIVISIONS

LEASES

WILLS AND ESTATES

71 St John Street/PO Box 1024/DX 70114
Launceston 7250
T (03) 6331 5500 F (03) 6331 5888

www.sproalassociates.com.au
enquiries@sproalassociates.com.au
Sproal & Associates Pty Ltd (ABN 51 159 218 023)

PETITION TO AMEND SEALED PLAN 143829

APPLICATION BY PETITION TO AMEND SEALED PLAN 143829

Section 103 Local Government (Building and Miscellaneous Provisions) Act 1993

To: LAUNCESTON CITY COUNCIL

1. Your petitioner

- 1.1 Casey Anne Atherton of 61 Belgrave Parade, Youngtown in Tasmania being the registered proprietor of the land comprised in folio of the Register Volume 143829 Folio 5.

2. The subject land

- 2.1 Lot 5 on Sealed Plan 143829 and being the land now comprised in folio of the Register Volume 143829 Folio 5.

3. Background

- 3.1 The Schedule of Easements in Sealed Plan Number 143829 created restrictive covenants burdening each lot on the Plan including the petitioners land. Such covenants benefit the Vendor, Nicholas Andrew Downie, Claire Hilda Downie and Joan Emmeline Downie and, each and every part of each lot on the Plan. Covenant number 10 provides:

"Except in relation to Lots 10, 15, 16, 18 and 19 which shall not be restricted hereby, not to further subdivide any such Lot which restriction shall include the subdivision of any such Lot by stratum titling the same".

- 3.2 Each of the lots created by Sealed Plan 143829 are larger lots which are now located in an urban location with dense residential development. Lot 5, and being the land owned by the Petitioner comprises an area of 3601 square metres.

- 3.3 The Petitioner wishes to amend covenant number 10 to enable the Petitioner to subdivide her lot by creating one additional lot. The creation of such lot is consistent with the low density land classification.

4. The proposed amendments

- 4.1 Amend the schedule of easements in Sealed Plan 143829 by amending covenant 10 to read as follows:

"Except in relation to Lots 5, 10, 15, 16, 18 and 19 which shall not be restricted hereby, not to further subdivide any such Lot which restriction shall include the division of any such Lot by stratum titling the same.".

PETITION TO AMEND SEALED PLAN 143829

5. Service of Petition

- 5.1 This petition has been sent to the Owner of each other lot created by Sealed Plan 143829 and to the Vendor, Nicholas Andrew Downie, Claire Hilda Downie and Joan Emmeline Downie.

6. Section 103 amendment

- 6.1 Section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993 is the only legal mechanism available to your Petitioner to enable the amendment to Sealed Plan 143829.
- 6.2 Division 5 in that Act provides that a Request to Amend executed by your Council be lodged with the Recorder of Titles to effect an amendment to the Sealed Plan.

7. Application to Council

- 7.1 Application is made to Council for amendment of the sealed plan as set out in the petition.
- 7.2 Should Council cause the amendments proposed in the petition to be made, would you please execute, seal and return the attached Request to Amend document.

Dated this 30th day of November 2018

SIGNED by CASEY ANN ATHERTON in the presence
of:

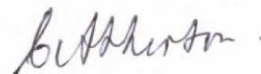
(Signature of Witness)



(Full Name of Witness)

BARRY DAVID SPROAL
71 St John Street,
Launceston Tas 7250
Legal Practitioner

(Address)



PETITION TO AMEND SEALED PLAN 143829

SERVICE OF PETITION

This Petition has been sent to the Owner of each other lot created by Sealed Plan 143829 and to the Vendor Nicholas Andrew Downie, Claire Hilda Downie and Jane Emmeline Downie.

The current owners of each other lot created by Sealed Plan 143829 are as follows:

Lot No.	Title Reference	Address	Registered Owner
1	143829/1	53 Belgrave Parade, Youngtown	Timothy Leo Eccles & Helene Joanne Eccles
2	143829/2	55 Belgrave Parade, Youngtown	Sara Marie Barritt
3	143829/3	123 Westbury Road, Prospect	Luke Nathan Self & Elizabeth Jane Self
4	143829/4	PO Box 421, Kings Meadows	James Scott Wilson & Aileen Mary Wilson
6	143829/6	63 Belgrave Parade, Youngtown	Willem Wilchert Mulder & Catherine Margaret Mulder
7	143829/7	Po Box 123, Kings Meadows	Maxwell Gordon Young & Mandy Christine Young
8	143829/8	67 Belgrave Parade, Youngtown	Nicholas John Stirling & Deborah Jayne Stirling
9	143829/9	82 Belgrave Parade, Youngtown	Simon Richard Davey & Karla Angela Davey
10	143829/10	80 Belgrave Parade, Youngtown	Cassandra Saunders-Blom & Stuart Pieter James Blom
11	143829/11	21 Delta Avenue, Youngtown	Richard James Davey & Julie Anne Davey
12	143829/12	76 Belgrave Parade, Youngtown	Patrick Terence Watters & Kathryn Louise Watters
13	143829/13	Unit 1, 32 Integrity Drive, Youngtown	Robin Keith Groves
14	143829/14	72 Belgrave Parade, Youngtown	Leonie Aileen Frankcombe & John Frankcombe
15	152914/1	Unit 1, 70 Belgrave Parade, Youngtown	Alison Ann Gardner

PETITION TO AMEND SEALED PLAN 143829

	152914/2	Unit 2, 70 Belgrave Parade, Youngtown	Danielle Alana Evans
	152914/3	Unit 3, 70 Belgrave Parade, Youngtown	Malcolm Charles Beamish
	152914/4	Unit 4, 70 Belgrave Parade, Youngtown	Ian Thomas Lockett & Vicki Maree Lockett
	152914/5	At Home Property @ 116 St John Street, Launceston	Stratoe Koutsouridis & Caroline Jane Bernadette Koutsouridis
16	143829/16	68 Belgrave Parade, Youngtown	Justin Geoffrey Lee & Carmen Elise Lee
17	143829/17	66 Belgrave Parade, Youngtown	Catherine Mary Camm & Anthony Neil Camm
18	143829/18	64 Belgrave Parade, Youngtown	Leigh Clifford Twining & Bettina Mary Twining
19	143829/19	62 Belgrave Parade, Youngtown	Fiona Jane George

TASMANIAN LAND TITLES OFFICE

Blank Instrument Form Land Titles Act 1980



DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
143829	5		

Land Titles Act 1980 (as amended)
Request to Amend Sealed Plan Number 143829

In the matter of Section 103 of the Local
Government (Building & Miscellaneous
Provisions) Act 1993

To: The Recorder of Titles

The Launceston City Council hereby requests that Sealed Plan Number 143829 be amended in the following manner:

By amending covenant 10 in the Schedule of Easements to that Sealed Plan to read as follows:

"Except in relation to Lots 5, 10, 15, 16, 18 and 19 which shall not be restricted hereby, not to further subdivide any such Lot which restriction shall include the division of any such Lot by stratum titling the same."

The common seal of Launceston City Council
was hereunto affixed this day of
2018 in the presence of:

Land Titles Office Use Only

Version 1

THE BACK OF THIS FORM MUST NOT BE USED

9 ANNOUNCEMENTS BY THE MAYOR**9.1 Mayor's Announcements****FILE NO: SF2375**

Friday 3 May 2019

- Attended the *Masterpieces for Tasmania* unveiling
- Attended the *Sawtooth May* exhibition opening

Saturday 4 May 2019

- Attended the Trevallyn Bowls and Community Club presentation night dinner

Wednesday 8 May 2019

- Officiated at the Seniors' Morning Tea

Friday 10 May 2019

- Officiated at the Speech and Drama Section, Launceston Competitions

Saturday 11 May 2019

- Officiated at the opening of *Tasmens' Men with Heart* exhibition

Wednesday 15 May 2019

- Officiated at the Community Engagement Breakfast
 - Attended The Haven's official launch
 - Attended Grammar School's *The Addams Family* senior campus production
-

10 COUNCILLOR'S REPORTS

(This item provides an opportunity for Councillors to briefly report on the activities that have been undertaken in their capacity as a representative of the Council. It is not necessary to list social functions that have been attended.)

11 QUESTIONS BY COUNCILLORS**11.1 Questions on Notice**

Local Government (Meeting Procedures) Regulations 2015 - Regulation 30

(A councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the General Manager of a question in respect of which the councillor seeks an answer at that Meeting. An answer to a Question on Notice will be in writing.)

No Councillor's Questions on Notice have been identified as part of this Agenda

11.2 Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 - Regulation 29

(Questions Without Notice, and any answers to those questions, are not required to be recorded in the Minutes of the Meeting.)

12 COMMITTEE REPORTS

No Committee Reports have been identified as part of this Agenda

13 COUNCIL WORKSHOPS**13.1 Council Workshop Report****FILE NO:** SF4401**AUTHOR:** Anthea Rooney (Committee Clerk)**DIRECTOR:** Louise Foster (Director Corporate Services)

DECISION STATEMENT:

To consider Council Workshops conducted since the last Council Meeting.

RECOMMENDATION:

That, pursuant to Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015*, Council notes the Council Workshops conducted since the last Council Meeting, for the purposes described:

Workshops conducted on 16 May 2019:

Business Events Tasmania

Councillors were provided with an update on recent activities and achievements.

Riverbend Rowing Centre

Councillors were provided with an update on the current status of the Riverbend Rowing Centre project including design, funding and user groups.

REPORT:

Regulation 2(c) of the *Local Government (Meeting Procedures) Regulations 2015* says that the Agenda of an Ordinary Council Meeting is to include the date and purpose of any Council Workshop held since the last Meeting.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

13.1 Council Workshop Report ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024

Priority Area 8 - A secure, accountable and responsive Organisation

Ten-year goals -To ensure decisions are made in a transparent and accountable way

Key Direction -

3. To ensure decisions are made on the basis of accurate and relevant information

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Louise Foster: Director Corporate Services

14 NOTICES OF MOTION

Local Government (Meeting Procedures) Regulations 2015 - Regulation 16(5)

No Notices of Motion have been identified as part of this Agenda

15 DEVELOPMENT SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

16 FACILITIES MANAGEMENT DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

17 CREATIVE ARTS AND CULTURAL SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

18 INFRASTRUCTURE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

19 CORPORATE SERVICES DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

20 GENERAL MANAGER'S DIRECTORATE ITEMS

No Items have been identified as part of this Agenda

21 URGENT BUSINESS

Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, states that a council, by absolute majority at an ordinary council meeting, may decide to deal with a matter that is not on the Agenda.

No Urgent Items have been identified as part of this Agenda

22 CLOSED COUNCIL

This decision requires an absolute majority of Council

RECOMMENDATION:

That Council moves into Closed Session to consider the following matters:

22.1 Confirmation of the Minutes

Regulation 35(6) of the *Local Government (Meeting Procedures) Regulations 2015* states that at the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

22.2 Licence Agreement - Launceston Leisure and Aquatic Centre Café and Catering

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

22.3 Lease of First Basin Café and Cataract Gorge Restaurant

Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015* states that a part of a meeting may be closed to the public to discuss:

- (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.
-

22.4 End of Closed Session

After dealing with the business listed for consideration in Closed Session and moving out of Closed Session Council will, pursuant to Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, resolve to record in the Minutes of the Open Council Meeting a brief description of the matters discussed in Closed Session.

RECOMMENDATION:

To be determined during Closed Council.

23 MEETING CLOSURE
